

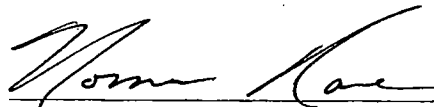
SETTLEMENT AGREEMENT FOR ATTORNEYS' FEES

Plaintiff Environmental Defense and defendants United States Environmental Protection Agency and Stephen Johnson (collectively "EPA") enter into the following agreement to resolve Plaintiff's claims for attorneys' fees and costs in the matter of *Environmental Defense v. United States Environmental Protection Agency and Stephen L. Johnson*, Case No. C 05-2090 SC (N.D. Cal.).

EPA agrees to pay Plaintiff, and Plaintiff agrees to accept, the total amount of sixteen thousand seventy dollars (\$16,070.00) in full settlement of all claims for costs of litigation incurred in the above action up to and including the date of execution of this agreement. This settlement agreement shall not be interpreted to preclude any rights Plaintiff may have to secure payment of any costs or attorneys' fees they may incur in this matter after the date of execution of this agreement. Payment will be made as soon as reasonably practicable by electronic transfer to counsel for Plaintiff in the amount of \$11,150.00 to Reed Zars and \$4,920.00 to George Hayes.

For EPA:

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division



NORMAN L. RAVE, JR.
Trial Attorney
United States Department of Justice

Date: 4-12-06

- 1 -

For Plaintiffs:

REED ZARS
REED ZARS

Date: 4/12/06

- 2 -

ADRMOP, CLOSED, E-Filing

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:05-cv-02090-SC**

Environmental Defense v. The United States Environmental
Protection Agency
Assigned to: Hon. Samuel Conti
Cause: 42:7604 Clear Air Act (Emission Standards)

Date Filed: 05/20/2005
Date Terminated: 08/05/2008
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Plaintiff

Date Filed	#	Docket Text
05/20/2005	<u>1</u>	COMPLAINT – [Summons Issued] against Steve Johnson & The United States Environmental Protection Agency, [Filing Fee: \$250.00, Receipt Number 3372536]. Filed by Plaintiff Environmental Defense. (tn, COURT STAFF) (Filed on 5/20/2005) Additional attachment(s) added on 6/1/2005 (tn, COURT STAFF). (Entered: 05/23/2005)
05/20/2005		SUMMONS Issued Upon Alberto R. Gonzales, United States Attorney General, U.S. Department of Justice on behalf of Defendants The United States Environmental Protection Agency & Steve Johnson. (tn, COURT STAFF) (Entered: 05/23/2005)
05/20/2005		SUMMONS Issued as to Defendant Steve Johnson, Administrator, United States Environmental Protection Agency. (tn, COURT STAFF) (Entered: 05/23/2005)
05/20/2005		SUMMONS Issued as to Kevin V. Ryan, United States Attorney on behalf of Defendants The United States Environmental Protection Agency & Steve Johnson. (tn, COURT STAFF) (Entered: 05/23/2005)
05/20/2005	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due 9/12/2005 & Initial Case Management Conference set for 9/19/2005 04:00 PM. (Attachments: # <u>1</u> Standing Order). (tn, COURT STAFF) (Filed on 5/20/2005) (Entered: 05/23/2005)
05/20/2005	<u>3</u>	CERTIFICATION of Interested Entities or Persons Filed by Plaintiff Environmental Defense. (tn, COURT STAFF) (Filed on 5/20/2005) Additional attachment(s) added on 6/1/2005 (tn, COURT STAFF). (Entered: 05/23/2005)
05/20/2005		CASE DESIGNATED for Electronic Filing. (tn, COURT STAFF) (Entered: 05/23/2005)
05/24/2005	<u>4</u>	CLERK'S NOTICE To Plaintiff's Counsel re: Failure to E-File and/or Failure to Register as an E-Filer. (tn, COURT STAFF) (Filed on 5/24/2005) (Entered: 05/24/2005)
06/01/2005	<u>5</u>	CERTIFICATE OF SERVICE by Environmental Defense (Attachments: # <u>1</u> Exhibit A) (Hays, George) (Filed on 6/1/2005) (Entered: 06/01/2005)
06/01/2005	<u>6</u>	CONSENT to Proceed Before a US Magistrate Judge by Environmental Defense.. (Hays, George) (Filed on 6/1/2005) (Entered: 06/01/2005)
06/14/2005	<u>7</u>	Declination to Proceed Before a U.S. Magistrate Judge by The United States Environmental Protection Agency, Steve Johnson. (Rave, Norman) (Filed on 6/14/2005) (Entered: 06/14/2005)
06/15/2005	<u>8</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (ls, COURT STAFF) (Filed on 6/15/2005) (Entered: 06/15/2005)
06/16/2005	<u>9</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Samuel Conti for all further proceedings. Judge Bernard Zimmerman no longer assigned to case. Signed by Executive Committee on 06/16/05. (mab, COURT STAFF) (Filed on 6/16/2005) (Entered: 06/16/2005)
06/22/2005	<u>10</u>	CLERK'S NOTICE Case Management Conference set for 9/30/2005 10:00 AM. (tdm, COURT STAFF) (Filed on 6/22/2005) (Entered: 06/22/2005)

08/01/2005	<u>11</u>	ANSWER to Complaint by The United States Environmental Protection Agency, Steve Johnson. (Rave, Norman) (Filed on 8/1/2005) (Entered: 08/01/2005)
08/29/2005	<u>12</u>	STIPULATION BY ALL PARTIES TO HOLD CASE IN ABEYANCE by The United States Environmental Protection Agency, Steve Johnson. (Rave, Norman) (Filed on 8/29/2005) (Entered: 08/29/2005)
08/29/2005	<u>13</u>	STIPULATION AND ORDER to Hold Case in Abeyance The Case Management Conference set for 9/30/05 is continued to 12/9/2005 10:00 AM.. Signed by Judge Samuel Conti on 8/29/05. (tdm, COURT STAFF) (Filed on 8/29/2005) (Entered: 08/29/2005)
11/29/2005	<u>14</u>	Joint MOTION to Continue Case Management Conference filed by The United States Environmental Protection Agency, Steve Johnson. (Rave, Norman) (Filed on 11/29/2005) (Entered: 11/29/2005)
11/29/2005	<u>15</u>	STIPULATION AND ORDER taking the case management conference set 12/9/05 off calendar. Signed by Judge Samuel Conti on 11/29/05. (tdm, COURT STAFF) (Filed on 11/29/2005) (Entered: 11/29/2005)
12/14/2005	<u>16</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of Lodging Consent Decree (Attachments: # <u>1</u> Consent Decree)(Rave, Norman) (Filed on 12/14/2005) (Entered: 12/14/2005)
12/19/2005	<u>17</u>	Letter from Defendants re Notice of Lodging. (Rave, Norman) (Filed on 12/19/2005) (Entered: 12/19/2005)
02/14/2006	<u>18</u>	Joint MOTION to Approve Consent Judgment filed by The United States Environmental Protection Agency, Steve Johnson. (Rave, Norman) (Filed on 2/14/2006) (Entered: 02/14/2006)
02/15/2006	<u>19</u>	CONSENT DECREE by Judge Samuel Conti granting <u>18</u> Motion to Approve Consent Judgment (tdm, COURT STAFF) (Filed on 2/15/2006) (Entered: 02/15/2006)
02/27/2006	<u>20</u>	STIPULATION to Extend Time to File Motion for Attorneys' Fees by Environmental Defense. (Attachments: # <u>1</u> Proposed Order)(Hays, George) (Filed on 2/27/2006) (Entered: 02/27/2006)
02/28/2006	<u>21</u>	ORDER GRANTING STIPULATION TO EXTEND TIME TO FILE MOTION FOR ATTORNEY FEES re <u>20</u> Stipulation filed by Environmental Defense,. Signed by Judge Samuel Conti on 2/28/06. (tdm, COURT STAFF) (Filed on 2/28/2006) (Entered: 02/28/2006)
05/18/2006	<u>22</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of Consent Decree Deadline Extension (Rave, Norman) (Filed on 5/18/2006) (Entered: 05/18/2006)
07/14/2006	<u>23</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of Consent Decree Deadline Extension (Rave, Norman) (Filed on 7/14/2006) (Entered: 07/14/2006)
08/10/2006	<u>24</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of Consent Decree Deadline Extension (Rave, Norman) (Filed on 8/10/2006) (Entered: 08/10/2006)
09/18/2006	<u>25</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of Consent Decree Deadline Extension (Rave, Norman) (Filed on 9/18/2006) (Entered: 09/18/2006)
10/16/2006	<u>26</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of Consent Decree Deadline Extension (Rave, Norman) (Filed on 10/16/2006) (Entered: 10/16/2006)
11/14/2006	<u>27</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of Consent Decree Deadline Extension (Rave, Norman) (Filed on 11/14/2006) (Entered: 11/14/2006)
12/11/2006	<u>28</u>	STIPULATION and [PROPOSED] ORDER Motion to Extend Consent Decree Deadline by The United States Environmental Protection Agency, Steve Johnson. (Rave, Norman) (Filed on 12/11/2006) Modified on 12/12/2006 (aaa, Court Staff)

		(Entered: 12/11/2006)
12/11/2006	<u>29</u>	STIPULATION AND ORDER Extending Consent Decree Deadline (tdm, COURT STAFF) (Filed on 12/11/2006) (Entered: 12/11/2006)
03/14/2007	<u>30</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of <i>Consent Decree Deadline Extension</i> (Rave, Norman) (Filed on 3/14/2007) (Entered: 03/14/2007)
04/13/2007	<u>31</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of <i>Consent Decree Deadline Extension</i> (Rave, Norman) (Filed on 4/13/2007) (Entered: 04/13/2007)
05/29/2007	<u>32</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of <i>Consent Decree Extension</i> (Rave, Norman) (Filed on 5/29/2007) (Entered: 05/29/2007)
06/07/2007	<u>33</u>	STIPULATION AND ORDER OF CONSENT DECREE DEADLINE EXTENSION (tdm, COURT STAFF) (Filed on 6/7/2007) (Entered: 06/07/2007)
07/10/2007	<u>34</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of <i>Consent Decree Deadline Extension</i> (Rave, Norman) (Filed on 7/10/2007) (Entered: 07/10/2007)
07/11/2007	<u>35</u>	STIPULATION AND ORDER Extending Consent Decree Deadline. Signed by Judge Samuel Conti on 7/11/07. (tdm, COURT STAFF) (Filed on 7/11/2007) (Entered: 07/11/2007)
08/15/2007	<u>36</u>	NOTICE of Appearance by Mark A. Rigau (Rigau, Mark) (Filed on 8/15/2007) (Entered: 08/15/2007)
08/15/2007	<u>37</u>	STIPULATION AND [PROPOSED] ORDER re <u>19</u> Order on Motion to Approve Consent Judgment <i>STIPULATED MOTION TO EXTEND CONSENT DECREE DEADLINE</i> by The United States Environmental Protection Agency, Steve Johnson. (Rigau, Mark) (Filed on 8/15/2007) Modified on 8/16/2007 (aaa, Court Staff). (Entered: 08/15/2007)
08/16/2007	<u>38</u>	STIPULATED MOTION TO EXTEND CONSENT DECREE DEADLINE AND ORDER. Signed by Judge Samuel Conti on 8/16/07. (tdm, COURT STAFF) (Filed on 8/16/2007) (Entered: 08/16/2007)
10/19/2007	<u>39</u>	NOTICE by The United States Environmental Protection Agency, Steve Johnson of <i>Lodging Modification to Consent Decree</i> (Attachments: # <u>1</u> Proposed Consent Order to Modify Consent Decree)(Rave, Norman) (Filed on 10/19/2007) (Entered: 10/19/2007)
01/02/2008	<u>40</u>	Joint MOTION to Approve Consent Judgment <i>Modification</i> filed by The United States Environmental Protection Agency, Steve Johnson. (Attachments: # <u>1</u> Proposed Order Consent Decree Modification)(Rave, Norman) (Filed on 1/2/2008) (Entered: 01/02/2008)
01/07/2008	<u>41</u>	ORDER by Judge Samuel Conti granting <u>40</u> Motion to Approve Consent Judgment (tdm, COURT STAFF) (Filed on 1/7/2008) (Entered: 01/07/2008)

SETTLEMENT AGREEMENT
(COSTS OF LITIGATION)

WHEREAS, plaintiffs Sierra Club and United States Public Interest Research Group (collectively "Sierra Club") filed Civil Action No. 04-0094 (D.D.C.) against the defendant, Stephen L. Johnson, Administrator, United States Environmental Protection Agency ("Administrator" or "EPA");

WHEREAS, Sierra Club's complaint alleges that EPA has failed to perform a mandatory duty pursuant to 40 C.F.R. section 80.1045 and section 202(l)(2) of the Clean Air Act ("CAA"), 42 U.S.C. § 7521(l)(2), to propose and finalize certain requirements to control hazardous air pollutants from motor vehicles and motor vehicle fuels;

WHEREAS, the Court denied the United States' motion to dismiss the complaint;

WHEREAS, the parties thereafter agreed to a schedule whereby EPA would propose and finalize said requirements;

WHEREAS, the parties wish to settle plaintiff's claim pursuant to section 304(d) of the CAA, 42 U.S.C. § 7604(d), for costs of litigation, including reasonable attorney's fees, in order to avoid unnecessary litigation and without any admission of fact or law;

NOW, it is therefore agreed:

1. The United States shall pay \$67,550 to Sierra Club's counsel by electronic funds transfer to the following account:

Bank name: The Mechanics Bank
Bank address: 1999 Harrison St. Ste. 1000, Lake Merritt Plaza Bldg, Oakland, CA 94612
ABA #: 121102036
Routing #: 121102036
Account #: 040-882578
Name of Account: Earthjustice Legal Services Trust Fund Account
Federal Taxpayer Identification No.: 94-1730465

Undersigned counsel for EPA agrees to forward a request for payment to the Treasury within 3 business days following full execution of this Settlement Agreement.

2. Any obligations of the United States to obligate or expend funds under this Settlement Agreement are subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Settlement Agreement shall not be construed to require the United States to obligate or pay funds in contravention of said Anti-Deficiency Act, 31 U.S.C. § 1341.

3. Sierra Club agrees that payment pursuant to Paragraph 1 will constitute full and final payment of fees and costs incurred by Sierra Club in connection with this matter for all work performed before the date upon which this settlement agreement is executed. Upon timely payment as provided in paragraph "4", Sierra Club releases the United States, including EPA, from any claims regarding such fees and costs.

4. Not later than May 19, 2006, the parties agree to file a joint motion in this matter notifying the Court that they have reached a settlement on the issue of fees and costs and asking the Court to amend the consent decree to extend the time for petitioners' fee and cost motion to September 1, 2006, to facilitate effectuation of the Settlement Agreement. If the United States makes the payment specified in paragraph "1" by September 1, 2006, or if Sierra Club accepts payment after that date, then Sierra Club agrees to promptly file a notice with the Court stating that the Settlement Agreement has been satisfied and that plaintiffs will not petition the Court for an award of fees and costs. If the United States fails to make the payment specified in paragraph "1" by September 1, 2006, and Sierra Club does not accept payment after that date, then Sierra Club may make application to the Court for an award of costs and attorneys' fees (and for costs and fees incurred in seeking such an award), which shall be Sierra Club's sole remedy for failure of the United States to make timely payment under this Settlement

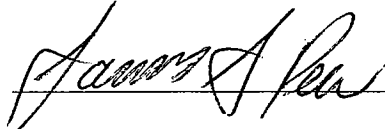
Agreement. The parties agree that in litigation over such fee application, they will not disclose to the Court the amount agreed upon in paragraph 1.

5. The undersigned representatives of each party certify that they are fully authorized by the party or parties they represent to enter into this Settlement Agreement.

SO AGREED:

FOR PLAINTIFF

Date: 5/17/06



JAMES S. PEW
Earthjustice
1625 Massachusetts Ave., N.W.
Suite 702
Washington, D.C. 20036-2212
(202) 667-4500

FOR DEFENDANT

Date: 5-8-06

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural
Resources Division



LOIS GODFREY WYE
Environment and Natural
Resources Division
Environmental Defense Section
U.S. Department of Justice
P.O. Box 23986
Washington, D.C. 20026-3986
(202) 514-9277

CLOSED, TYPE-C

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:04-cv-00094-RBW**

SIERRA CLUB et al v. LEAVITT
Assigned to: Judge Reggie B. Walton
Cause: 33:1365 Environmental Matters

Date Filed: 01/21/2004
Date Terminated: 07/26/2005
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
01/21/2004	<u>1</u>	COMPLAINT against MICHAEL O. LEAVITT (Filing fee \$ 150.), filed by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP.(td,) (Entered: 01/29/2004)
01/21/2004	<u>2</u>	LCvR 7.1 – CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests (td,) (Entered: 01/29/2004)
01/21/2004		SUMMONS (3) Issued as to MICHAEL O. LEAVITT, U.S. Attorney and U.S. Attorney General (td,) (Entered: 01/29/2004)
03/23/2004	<u>3</u>	AFFIDAVIT /Return of Service of Summons and Complaint by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Attachments: # <u>1</u> Exhibits A–C)(Pew, James) (Entered: 03/23/2004)
03/29/2004	<u>4</u>	MOTION to Dismiss for Lack of Jurisdiction by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Wye, Lois) (Entered: 03/29/2004)
03/31/2004	<u>5</u>	Joint MOTION for Extension of Time to <i>File Submissions Related To EPA's Motion To Dismiss</i> by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Attachments: # <u>1</u> Text of Proposed Order)(Pew, James) (Entered: 03/31/2004)
04/06/2004		MINUTE ORDER granting <u>5</u> Joint Unopposed Motion of Plaintiffs and Defendant for Extension of Time For Submissions Related to EPA's Motion to Dismiss. Signed by Judge Reggie B. Walton on April 6, 2004.(AEQ,) (Entered: 04/06/2004)
04/26/2004	<u>6</u>	Memorandum in opposition to motion re <u>4</u> <i>EPA's Motion to Dismiss</i> filed by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Attachments: # <u>1</u> Exhibit Exhibits A–E# <u>2</u> Text of Proposed Order Proposed Order)(Pew, James) (Entered: 04/26/2004)
05/12/2004	<u>7</u>	REPLY to opposition to motion re <u>4</u> <i>dismissal for lack of jurisdiction</i> filed by MICHAEL O. LEAVITT. (Wye, Lois) (Entered: 05/12/2004)
05/25/2004	<u>8</u>	RESPONSE to <i>EPA's Motion to Dismiss</i> filed by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Attachments: # <u>1</u> Exhibit # <u>2</u> Text of Proposed Order)(Pew, James) (Entered: 05/25/2004)
06/24/2004	<u>9</u>	MOTION for Leave to File <i>Notice of Additional Authority</i> by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Attachments: # <u>1</u>)(Pew, James) (Entered: 06/24/2004)
06/28/2004	<u>10</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>9</u> MOTION for Leave to File <i>Notice of Additional Authority</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 06/28/2004)
07/03/2004		MINUTE ORDER granting <u>10</u> EPA'S Unopposed Motion for Extension of Time from July 6, 2004, to July 19, 2004, to File a Response to Plaintiffs' Motion for Leave to File Notice of Additional Authority

		Signed by Judge Reggie B. Walton on July 2, 2004.(AEQ,) (Entered: 07/03/2004)
07/03/2004		MINUTE ORDER granting <u>9</u> Motion of Sierra Club and United States Public Interest Research Group for Leave to File Notice of Additional Authority. Signed by Judge Reggie B. Walton on July 2, 2004.(AEQ,) (Entered: 07/03/2004)
07/19/2004	<u>11</u>	RESPONSE to <i>Notice of Additional Authority</i> filed by MICHAEL O. LEAVITT. (Wye, Lois) (Entered: 07/19/2004)
08/25/2004	<u>12</u>	MOTION for Leave to File <i>Notice of Additional Authority</i> by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Notice of Additional Authority)(Pew, James) (Entered: 08/25/2004)
08/25/2004		ORDER granting <u>12</u> Motion for Leave to File Notice of Additional Authority. Signed by Judge Reggie B. Walton on 08/25/04. (lcrbw1,) (Entered: 08/25/2004)
09/07/2004	<u>13</u>	RESPONSE to <i>Notice of Additional Authority</i> filed by MICHAEL O. LEAVITT. (Wye, Lois) (Entered: 09/07/2004)
02/09/2005	<u>14</u>	ORDER denying <u>4</u> Motion to Dismiss for Lack of Jurisdiction. Signed by Judge Reggie B. Walton on 2/9/05. (lcrbw1,) (Entered: 02/09/2005)
02/09/2005	<u>15</u>	MEMORANDUM AND OPINION. Signed by Judge Reggie B. Walton on 2/9/05. (lcrbw1,) (Entered: 02/09/2005)
02/22/2005	<u>16</u>	Unopposed MOTION for Leave to File <i>Supplemental Complaint</i> by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Attachments: # <u>1</u> Text of Proposed Order Granting Supplemental Complaint# <u>2</u> Supplement Complaint# <u>3</u> Exhibit A-F)(Pew, James) (Entered: 02/22/2005)
02/23/2005		MINUTE ORDER granting <u>16</u> Motion for Leave to File Supplemental Complaint. The defendant shall answer the complaint and supplemental complaint by 3/14/05. Signed by Judge Reggie B. Walton on 2/23/05. (lcrbw1,) Modified on 2/23/2005 (lcrbw1,). (Entered: 02/23/2005)
03/14/2005	<u>17</u>	ANSWER to Complaint and <i>Supplemental Complaint</i> by MICHAEL O. LEAVITT.(Wye, Lois) (Entered: 03/14/2005)
03/29/2005	<u>18</u>	ORDER for Initial Scheduling Conference set for 5/19/2005 09:00 AM in Courtroom 5 before Judge Reggie B. Walton.. Signed by Judge Reggie B. Walton on 3/29/05. (mpt,) (Entered: 03/30/2005)
03/29/2005	<u>19</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES. Signed by Judge Reggie B. Walton on 3/29/05. (mpt,) (Entered: 03/30/2005)
05/17/2005	<u>20</u>	MEET AND CONFER STATEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Pew, James) (Entered: 05/17/2005)
05/18/2005		MINUTE ORDER. The initial scheduling conference set for 5/19/05 is hereby vacated. The parties shall file, on or before 6/24/05, a report on the status of settlement discussions and a proposed order to govern further proceedings in this case. Signed by Judge Reggie B. Walton on 5/18/05. (lcrbw1,) (Entered: 05/18/2005)
06/24/2005	<u>21</u>	STATUS REPORT by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Wye, Lois) (Entered: 06/24/2005)
06/27/2005		MINUTE ORDER granting <u>21</u> motion to stay. The parties shall file, on or before 7/25/05, a report on the status of settlement discussions and a proposed order to govern further proceedings in this case. Signed by Judge Reggie B. Walton on 6/27/05. (lcrbw1,) (Entered: 06/27/2005)
07/22/2005	<u>22</u>	STATUS REPORT by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Wye, Lois) (Entered: 07/22/2005)

07/22/2005	<u>23</u>	NOTICE of Lodging of Consent Decree by MICHAEL O. LEAVITT re <u>22</u> Status Report (Attachments: # <u>1</u> Consent Decree)(Wye, Lois) (Entered: 07/22/2005)
07/26/2005	<u>24</u>	ENTERED IN ERROR. CONSENT DECREE. Signed by Judge Reggie B. Walton on 7/24/05. (mpt,) Modified on 7/27/2005 (lcrbw1,). (Entered: 07/27/2005)
07/27/2005		MINUTE ORDER Vacating <u>24</u> Consent Decree as premature. Signed by Judge Reggie B. Walton on 7/27/05. (lcrbw1,) (Entered: 07/27/2005)
11/08/2005	<u>25</u>	Consent MOTION for Order <i>Entering Consent Decree</i> by MICHAEL O. LEAVITT. (Wye, Lois) (Entered: 11/08/2005)
01/20/2006	<u>26</u>	Consent Decree as to <u>25</u> Motion for Order (See Image for Details) . Signed by Judge Reggie B. Walton on 11/29/05. (mpt,) (Entered: 01/20/2006)
02/03/2006	<u>27</u>	Joint MOTION for Order <i>Setting Schedule for Costs Application</i> by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Attachments: # <u>1</u> Text of Proposed Order)(Pew, James) (Entered: 02/03/2006)
02/07/2006		MINUTE ORDER granting <u>27</u> Motion for Extension of time. The plaintiff shall file an application for costs of litigation, if any, by 5/19/06, and the defendant's response shall be filed by 6/19/06. Signed by Judge Reggie B. Walton on 2/7/06. (lcrbw1,) (Entered: 02/07/2006)
05/17/2006	<u>28</u>	MOTION for Extension of Time to <i>File for Costs of Litigation</i> by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP, MICHAEL O. LEAVITT. (Pew, James) (Entered: 05/17/2006)
05/18/2006		MINUTE ORDER granting <u>28</u> Motion for Extension of Time. The plaintiff's application for costs of litigation shall be filed by 9/1/06 and the government's opposition shall be filed by 10/1/06. Signed by Judge Reggie B. Walton on 5/18/06. (lcrbw1,) (Entered: 05/18/2006)
08/24/2006	<u>29</u>	Joint MOTION for Extension of Time to <i>File for Costs of Litigation</i> by SIERRA CLUB, UNITED STATES PUBLIC INTEREST RESEARCH GROUP. (Pew, James) (Entered: 08/24/2006)
08/28/2006		MINUTE ORDER granting <u>29</u> Motion for Extension of Time. The plaintiff's application for costs of litigation shall be filed by 12/15/06 and the government's opposition shall be filed by 1/15/07. Signed by Judge Reggie B. Walton on 8/28/06. (lcrbw2,) (Entered: 08/28/2006)

SETTLEMENT AGREEMENT
(COSTS OF LITIGATION)

WHEREAS, plaintiff Sierra Club filed Civil Action No. 1:03CV02411 (D.D.C.) against the defendant, Stephen L. Johnson, Administrator, United States Environmental Protection Agency ("Administrator" or "EPA");

WHEREAS, Sierra Club's complaint alleges that EPA has failed to take various agency actions under Clean Air Act ("CAA") sections 112(d)(6) and (f), 42 U.S.C. §§ 7412(d)(6) and (f), with respect to emissions standards for six different categories.

WHEREAS, the Court has entered a consent decree in this matter;

WHEREAS, Paragraph 14 of the consent decree provides that the parties shall seek to resolve informally any claim for costs of litigation (including attorney's fees) pursuant to section 304(d) of the CAA, 42 U.S.C. § 7604(d);

WHEREAS, the parties wish to settle plaintiffs' claim for costs of litigation, including reasonable attorneys' fees, incurred prior to July 15, 2005, in order to avoid unnecessary litigation and without any admission of fact or law;

NOW, it is therefore agreed:

1. The United States shall pay \$4,376.91 to Sierra Club's counsel by electronic funds transfer to the following account:

Bank name:	The Mechanics Bank
Bank address:	1999 Harrison St., Ste 100 Lake Merritt Plaza Building Oakland, CA 94612
ABA/Routing #:	121102036
Account #:	040-882578
Name of Account:	Earthjustice Legal Services Trust Fund Account
Federal Taxpayer Identification No.:	94-1730465

Undersigned counsel for EPA agrees to forward a request for payment to the Treasury within 5 business days following full execution of this agreement.

2. Any obligations of the United States to obligate or expend funds under this Settlement Agreement are subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Settlement Agreement shall not be construed to require the United States to obligate or pay funds in contravention of said Anti-Deficiency Act,

31 U.S.C. § 1341.

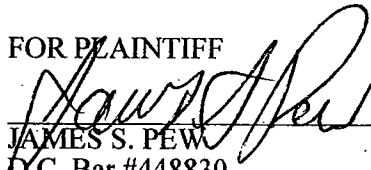
3. Sierra Club agrees that payment pursuant to Paragraph 1 will constitute full and final payment of fees and costs Sierra Club incurred in connection with this matter prior to July 15, 2005. Upon timely payment as provided in paragraph 4 below, Sierra Club releases the United States, including EPA, from any claims regarding such fees and costs incurred prior to July 15, 2005.

4. If the United States makes the payment specified in paragraph 1 above within 90 days of execution of this Agreement, or if Sierra Club accepts payment after that date, then Sierra Club agrees to promptly file a notice with the Court stating that the Settlement Agreement has been satisfied and that plaintiffs will not petition the Court for an award of fees and costs incurred prior to July 15, 2005. If the United States fails to make the payment specified in paragraph 1 above within 90 days of execution of this Agreement, then Sierra Club's sole remedy shall be to make application to the court for an award of attorneys' fees and costs incurred prior to July 15, 2005. The parties agree that in litigation over such fee application, they will not disclose to the court the amount agreed upon in paragraph 1 above.

5. The undersigned representatives of each party certify that they are fully authorized by the party or parties they represent to enter into this Settlement Agreement.

SO AGREED:

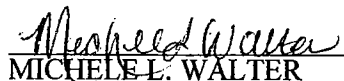
FOR PLAINTIFF


JAMES S. PEW
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DATED: June 12, 2006

FOR DEFENDANT

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment & Natural Resources Division


MICHELE L. WALTER
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United States Department of Justice
P.O. Box 23986
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Michele.Walter@usdoj.gov

DATED: 6-19-06

CLOSED, TYPE-C

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:03-cv-02411-GK

SIERRA CLUB v. LEAVITT
Assigned to: Judge Gladys Kessler
Cause: 42:7413(b) Clean Air Act

Date Filed: 11/20/2003
Date Terminated: 02/09/2006
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
11/20/2003	<u>1</u>	COMPLAINT against MICHAEL O. LEAVITT (Filing fee \$ 150.) , filed by SIERRA CLUB.(rje,) (Entered: 11/24/2003)
11/20/2003	<u>2</u>	LCvR 7.1 – CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by Sierra Club (rje,) (Entered: 11/24/2003)
11/20/2003		SUMMONS Issued (3) as to MICHAEL O. LEAVITT, U.S. Attorney and U.S. Attorney General (rje,) (Entered: 11/24/2003)
01/16/2004	<u>3</u>	ANSWER to Complaint by MICHAEL O. LEAVITT.(Jordan, Scott) (Entered: 01/16/2004)
01/20/2004	<u>4</u>	ORDER setting an Initial Scheduling Conference on February 6, 2004 at 9:30 a.m. Signed by Judge Gladys Kessler on 01/20/04. (CS,) (Entered: 01/20/2004)
01/28/2004	<u>5</u>	NOTICE of Appearance by Michele L. Walter on behalf of MICHAEL O. LEAVITT (Walter, Michele) (Entered: 01/28/2004)
01/28/2004	<u>6</u>	Joint MOTION to Stay <i>Proceedings to Allow Settlement Discussions</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Walter, Michele) (Entered: 01/28/2004)
02/05/2004		MINUTE ENTRY — ORDER granting <u>6</u> the Joint Motion to Stay Proceedings to Allow Settlement Discussions; all proceedings in this case shall be stayed, including the February 6, 2004, initial scheduling conference and the parties' Joint Meet and Confer Statement; the parties are directed to file a motion to govern further proceedings within sixty (60) days of the entry of this Order . Signed by Judge Gladys Kessler on 2/5/04. (CS,) (Entered: 02/05/2004)
04/05/2004	<u>7</u>	Joint MOTION to Stay <i>Proceedings</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u>)(Walter, Michele) (Entered: 04/05/2004)
04/05/2004		MINUTE ENTRY — ORDER granting <u>7</u> the parties' Joint Motion to Continue Stay of Proceedings; all proceedings in this case shall continue to be stayed and the parties are directed to file another motion to govern further proceedings within sixty (60) days of the entry of this Order . Signed by Judge Gladys Kessler on 4/5/04. (CS,) (Entered: 04/05/2004)
04/28/2004	<u>8</u>	MOTION to Consolidate Cases <i>and Memorandum in Support</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u>)(Walter, Michele) (Entered: 04/28/2004)
05/18/2004	<u>9</u>	REPLY to opposition to motion re <u>8</u> <i>consolidation</i> filed by MICHAEL O. LEAVITT. (Walter, Michele) (Entered: 05/18/2004)
06/04/2004	<u>10</u>	Joint MOTION to Stay <i>Proceedings</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u>)(Walter, Michele) (Entered: 06/04/2004)
06/04/2004		MINUTE ENTRY — ORDER granting <u>10</u> the Joint Motion to Continue the Stay of Proceedings; all proceedings in this case shall be stayed and the parties are directed to file a motion to govern further proceedings within sixty (60) days of the entry of this Order . Signed by Judge Gladys Kessler on 6/4/04. (CS,) (Entered: 06/04/2004)

07/09/2004	<u>11</u>	ORDER granting <u>8</u> Defendant's Motion to Consolidate Cases; the case of Louisiana Environmental Action Network v. Leavitt, Case Number 04-484, is consolidated with this case; the Clerk of Court is directed to close Louisiana Environmental Action Network v. Leavitt and to transfer the Plaintiff in that case to this earlier case, Sierra Club v. Leavitt, and it is hereby ordered that all filings with this Court shall henceforth be filed only under this case, Sierra Club v. Leavitt, No. 03-2411 . Signed by Judge Gladys Kessler on 7/9/04. (CS,) (Entered: 07/09/2004)
08/02/2004	<u>12</u>	Joint MOTION to Stay <i>Proceedings</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u>)(Walter, Michele) (Entered: 08/02/2004)
08/13/2004	<u>13</u>	Memorandum in opposition to motion re <u>12</u> Joint MOTION to Stay <i>Proceedings</i> filed by LOUISIANA ENVIRONMENTAL ACTION NETWORK. (Babich, Adam) (Entered: 08/13/2004)
08/26/2004	<u>14</u>	Emergency MOTION for Leave to File <i>Out of Time EPA's Reply in Support of Opposed Joint Motion by Sierra Club and EPA to Continue Stay of Proceedings</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u>)(Walter, Michele) (Entered: 08/26/2004)
08/26/2004	<u>15</u>	REPLY to opposition to motion re <u>12</u> <i>Joint Motion by Sierra Club and EPA to Continue Stay of Proceedings</i> filed by MICHAEL O. LEAVITT. (Walter, Michele) (Entered: 08/26/2004)
08/30/2004		MINUTE ORDER granting <u>14</u> Defendant's Unopposed Motion for Leave to File Out of Time EPA's Reply in Support of Opposed Joint Motion by Sierra Club and EPA to Continue Stay of Proceedings . Signed by Judge Gladys Kessler on 8/30/04. (CS,) (Entered: 08/30/2004)
10/01/2004		MINUTE ORDER granting <u>12</u> the Opposed Joint Motion by Sierra Club and EPA to Continue Stay of Proceedings; all proceedings in these consolidated cases shall be stayed and the parties are directed to file a motion to govern further proceedings within sixty (60) days of the entry of this Order . Signed by Judge Gladys Kessler on 10/1/04. (CS,) (Entered: 10/01/2004)
12/06/2004	<u>16</u>	Unopposed MOTION for Extension of Time to <i>File Out of Time the Joint Motion by Sierra Club and EPA to Continue Stay of Proceedings</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Walter, Michele) (Entered: 12/06/2004)
12/06/2004	<u>17</u>	Unopposed MOTION to Stay <i>by Sierra Club and EPA</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Walter, Michele) (Entered: 12/06/2004)
12/08/2004		MINUTE ORDER granting <u>16</u> the Unopposed Joint Motion for Leave to File Out of Time the Joint Motion to Continue Stay of Proceedings . Signed by Judge Gladys Kessler on 12/8/04. (CS,) (Entered: 12/08/2004)
12/08/2004		MINUTE ORDER granting <u>17</u> the Unopposed Joint Motion by Sierra Club and EPA to Continue Stay of Proceedings; all proceedings herein shall be stayed and the parties are directed to file another motion to govern further proceedings on or before February 28, 2005 . Signed by Judge Gladys Kessler on 12/8/04. (CS,) (Entered: 12/08/2004)
02/28/2005	<u>18</u>	Joint MOTION to Stay <i>by Sierra Club and</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Walter, Michele) (Entered: 02/28/2005)
03/01/2005		MINUTE ORDER granting <u>18</u> the Unopposed Motion by Sierra Club and EPA to Continue Stay of Proceedings; Sierra Club and EPA are directed to file a motion to govern further proceedings no later than April 29, 2005 . Signed by Judge Gladys Kessler on 3/1/05. (CS,) (Entered: 03/01/2005)
04/29/2005	<u>19</u>	Joint MOTION to Stay <i>Proceedings</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Walter, Michele) (Entered: 04/29/2005)
05/04/2005		MINUTE ORDER granting <u>19</u> the Joint Motion to Stay Proceedings; the parties are directed to file a motion to govern further proceedings no later than May 10, 2005 . Signed by Judge Gladys Kessler on 5/4/05. (CS,) (Entered: 05/05/2005)
05/10/2005	<u>20</u>	Joint MOTION to Stay <i>Proceedings</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Walter, Michele) (Entered: 05/10/2005)

05/11/2005		MINUTE ORDER granting <u>20</u> the Joint Motion to Continue Stay of Proceedings; the parties are hereby directed to file a motion to govern further proceedings no later than June 30, 2005. Signed by Judge Gladys Kessler on 5/11/05. (CS,) (Entered: 05/11/2005)
05/11/2005		Set/Reset Deadlines: Motion due by 6/30/2005. (tth,) (Entered: 05/17/2005)
06/30/2005	<u>21</u>	Joint MOTION to Continue <i>Stay</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Walter, Michele) (Entered: 06/30/2005)
07/01/2005		MINUTE ORDER granting <u>21</u> the Joint Motion to Continue Stay of Proceedings; the parties are directed to file a motion to govern further proceedings no later than September 15, 2005 . Signed by Judge Gladys Kessler on 7/1/05. (CS,) (Entered: 07/01/2005)
09/12/2005	<u>22</u>	Joint MOTION to Stay <i>Proceedings</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text of Proposed Order)(Walter, Michele) (Entered: 09/12/2005)
09/13/2005		MINUTE ORDER granting <u>22</u> the Joint Motion to Stay Proceedings; the parties are directed to file a motion to govern further proceedings no later than September 30, 2005 . Signed by Gladys Kessler on 9/13/05. (CS,) (Entered: 09/13/2005)
09/30/2005	<u>23</u>	Joint MOTION for Leave to File <i>Joint Motion to Enter Consent Decree</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Consent Decree)(Walter, Michele) (Entered: 09/30/2005)
10/03/2005	<u>24</u>	CONSENT DECREE: Signed by Judge Gladys Kessler. Signed by Judge Gladys Kessler on 10/3/05. (tth,) (Entered: 10/04/2005)
11/28/2006	<u>25</u>	NOTICE of Appearance by John David Gunter, II on behalf of MICHAEL O. LEAVITT (Gunter, John) (Entered: 11/28/2006)
11/28/2006	<u>26</u>	STIPULATION re <u>24</u> Order (<i>Stipulation to Amend Consent Decree</i>) by MICHAEL O. LEAVITT. (Gunter, John) (Entered: 11/28/2006)
08/03/2007	<u>27</u>	MOTION to Dismiss (<i>by Termination of Consent Decree</i>) by MICHAEL O. LEAVITT (Attachments: # <u>1</u> Exhibit 1 — Consent Decree)(Gunter, John) (Entered: 08/03/2007)
08/07/2007	<u>28</u>	RESPONSE to EPA's Motion to Terminate Consent Decree and Cross-Motion to Hold Case in Abeyance Pending Judicial Review filed by SIERRA CLUB, LOUISIANA ENVIRONMENTAL ACTION NETWORK. (Attachments: # <u>1</u> Text of Proposed Order)(Pew, James) (Entered: 08/07/2007)
08/08/2007	<u>29</u>	Cross MOTION to hold case in abeyance pending judicial review re <u>27</u> MOTION to Dismiss (<i>by Termination of Consent Decree</i>) by SIERRA CLUB, LOUISIANA ENVIRONMENTAL ACTION NETWORK (Attachments: # <u>1</u> Text of Proposed Order)(Pew, James) (Entered: 08/08/2007)
08/10/2007	<u>30</u>	REPLY to opposition to motion re <u>27</u> MOTION to Dismiss (<i>by Termination of Consent Decree</i>) filed by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Exhibit 2)(Gunter, John) (Entered: 08/10/2007)
08/17/2007	<u>31</u>	MOTION for Leave to File <i>Surreply in Opposition to EPA's Motion to Terminate Consent Decree</i> by SIERRA CLUB, LOUISIANA ENVIRONMENTAL ACTION NETWORK (Attachments: # <u>1</u> Proposed Order Granting Plaintiffs' Motion to Submit Surreply)(Pew, James) (Entered: 08/17/2007)
08/17/2007	<u>32</u>	SURREPLY to <i>Oppose EPA's Motion to Terminate Consent Decree</i> filed by SIERRA CLUB, LOUISIANA ENVIRONMENTAL ACTION NETWORK. (Attachments: # <u>1</u> Exhibit)(Pew, James) (Entered: 08/17/2007)
08/21/2007	<u>33</u>	Memorandum in opposition to re <u>31</u> MOTION for Leave to File <i>Surreply in Opposition to EPA's Motion to Terminate Consent Decree</i> filed by STEPHEN L. JOHNSON. (Gunter, John) (Entered: 08/21/2007)
08/24/2007	<u>34</u>	REPLY in Support of <u>31</u> Motion for Leave to Submit <i>Surreply in Opposition to EPA's Motion to Terminate Consent Decree</i> filed by SIERRA CLUB, LOUISIANA ENVIRONMENTAL ACTION NETWORK. (Pew, James) Modified on 8/27/2007 (tg,). (Entered: 08/24/2007)

**Desert Rock Energy Co., LLC v. EPA
No. 4:08-cv-872 (S.D. Tex.)
Gunter Declaration
Exhibit B13, page 1**

Plaintiffs Medical Advocates for Healthy Air, Sierra Club and the Latino Issues Forum, and Defendants Stephen L. Johnson, in his official capacity as Administrator of the United States Environmental Protection Agency ("EPA"), and Wayne Nastri, in his official capacity as Regional Administrator for Region IX of the EPA, by and through their undersigned counsel, say as follows:

WHEREAS, on January 9, 2006, Plaintiffs filed a Complaint for Declaratory and Injunctive Relief alleging that Defendants violated Clean Air Act section 110(c)(1), 42 U.S.C. § 7410(c)(1);

WHEREAS, on July 5, 2006, the Court issued an Order granting Plaintiffs' motion for summary judgment;

WHEREAS, the Court entered Judgment in favor of Plaintiffs on July 24, 2006;

WHEREAS, the Court granted the parties' stipulation to extend the time for Plaintiffs to file a motion seeking attorneys' fees and bill of costs on July 24, 2006;

WHEREAS, Plaintiffs have presented Defendants with a claim for attorneys' fees and costs in this matter;

WHEREAS, the parties agree that it is in the interest of the parties and judicial economy to settle the Plaintiffs' claim for attorneys' fees and costs in this action without protracted litigation;

NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

1. Defendants agree to pay Plaintiffs, and Plaintiffs agree to accept, the total amount of eighty-three thousand one hundred and thirty-four dollars and eleven cents (\$83,134.11) in full settlement of all claims for costs and attorneys' fees in the above-captioned litigation;

2. In the event that the payment required by Paragraph 1 is not made within 90 days of entry of this Order, interest on the unpaid balance shall be paid at the rate established pursuant to section 107(a) of CERCLA, 42 U.S.C. § 9607(a), commencing on the effective date of this Order and accruing through the date of the payment.

3. By this agreement, Defendants do not waive any right to contest fees claimed by Plaintiffs or Plaintiffs' counsel, including the hourly rate, in any future litigation. Further, this

stipulation as to attorneys' fees and costs has no precedential value and shall not be used as evidence by either Defendants or Plaintiffs in any other attorneys' fees litigation.

Dated: October 4, 2006.

Dated: October 4, 2006.

/S/

PAUL R. CORT
GEORGE TORGUN
DEBORAH S. REAMES
Earthjustice
426 17th Street, 5th Floor
Oakland, CA 94612
Tel: (510) 550-6725
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SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division

/S/

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San Francisco, California 94102
Telephone: (415) 436-7200
Counsel for Defendants

The Court hereby approves and orders each and every term of this stipulated settlement.

IT IS SO ORDERED.

10-6-06

Date



SAUNDRA B. ARMSTRONG
United States District Court Judge

ADRMOP, CLOSED, E-Filing

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:06-cv-00093-SBA**

Medical Advocates for Healthy Air et al v. Johnson et al
Assigned to: Hon. Saundra Brown Armstrong
Cause: 42:7413(b) Clean Air Act

Date Filed: 01/09/2006
Date Terminated: 07/05/2006
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
01/09/2006	<u>1</u>	COMPLAINT against Stephen L. Johnson, Wayne Natri (Filing fee \$ 250, receipt number 3380178.). Filed by Medical Advocates for Healthy Air, Latino Issues Forum. (jlm, COURT STAFF) (Filed on 1/9/2006) Additional attachment(s) added on 2/3/2006 (jlm, COURT STAFF). (Entered: 01/11/2006)
01/09/2006		CASE DESIGNATED for Electronic Filing. (jlm, COURT STAFF) (Filed on 1/9/2006) (Entered: 01/11/2006)
01/09/2006	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 4/5/2006. Case Management Conference set for 4/12/2006 03:00 PM. (jlm, COURT STAFF) (Filed on 1/9/2006) Additional attachment(s) added on 1/11/2006 (jlm, COURT STAFF). (Entered: 01/11/2006)
01/09/2006		Summons Issued as to Stephen L. Johnson, Wayne Natri. (jlm, COURT STAFF) (Filed on 1/9/2006) (Entered: 01/11/2006)
01/09/2006	<u>3</u>	Certificate of Interested Entities by Medical Advocates for Healthy Air, Sierra Club, and Latino Issues Forum (jlm, COURT STAFF) (Filed on 1/9/2006) Additional attachment(s) added on 2/3/2006 (jlm, COURT STAFF). (Entered: 01/11/2006)
01/13/2006	<u>4</u>	CERTIFICATE OF SERVICE by Medical Advocates for Healthy Air (Paul, Cort) (Filed on 1/13/2006) (Entered: 01/13/2006)
01/20/2006	<u>5</u>	CLERK'S NOTICE Case Management Conference set for 4/13/2006 02:30 PM. VIA TELEPHONE. (lrc, COURT STAFF) (Filed on 1/20/2006) (Entered: 01/20/2006)
01/20/2006	<u>6</u>	CERTIFICATE OF SERVICE by Medical Advocates for Healthy Air of <i>Clerk's Notice</i> (Paul, Cort) (Filed on 1/20/2006) (Entered: 01/20/2006)
01/24/2006	<u>7</u>	NOTICE of Appearance by Pamela S. Tonglao (Tonglao, Pamela) (Filed on 1/24/2006) (Entered: 01/24/2006)
01/26/2006	<u>8</u>	***ERRONEOUS ENTRY, PLEASE SEE DOCUMENT <u>13</u>*** MOTION to Intervene <i>as a Defendant</i> filed by San Joaquin Valley Unified Air Pollution Control District. Motion Hearing set for 3/7/2006 01:00 PM in Courtroom 3, 3rd Floor, Oakland. (Tognazzini, Catherine) (Filed on 1/26/2006) Modified on 1/27/2006 (jlm, COURT STAFF). (Entered: 01/26/2006)
01/26/2006	<u>9</u>	MOTION to Intervene <i>as a Defendant</i> filed by San Joaquin Valley Unified Air Pollution Control District. Motion Hearing set for 3/7/2006 01:00 PM in Courtroom 3, 3rd Floor, Oakland. (Tognazzini, Catherine) (Filed on 1/26/2006) (Entered: 01/26/2006)
01/26/2006	<u>10</u>	MEMORANDUM in Support re <u>9</u> MOTION to Intervene <i>as a Defendant</i> filed by San Joaquin Valley Unified Air Pollution Control District. (Related document(s) <u>9</u>) (Tognazzini, Catherine) (Filed on 1/26/2006) (Entered: 01/26/2006)
01/26/2006	<u>11</u>	Declaration of Seyed Sadredin in Support of <u>9</u> MOTION to Intervene <i>as a Defendant</i> filed by San Joaquin Valley Unified Air Pollution Control District. (Related document(s) <u>9</u>) (Tognazzini, Catherine) (Filed on 1/26/2006) (Entered: 01/26/2006)

01/26/2006	<u>12</u>	Proposed Order re <u>9</u> MOTION to Intervene <i>as a Defendant</i> by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 1/26/2006) (Entered: 01/26/2006)
01/26/2006	<u>13</u>	<i>Proposed</i> ANSWER to Complaint <i>CORRECTION OF DOCKET #8</i> by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 1/26/2006) (Entered: 01/26/2006)
01/30/2006	<u>14</u>	CLERK'S NOTICE re: Plaintiff's Failure to E-File re <u>1</u> & <u>3</u> . (jlm, COURT STAFF) (Filed on 1/30/2006) (Entered: 01/30/2006)
02/02/2006	<u>15</u>	MOTION to Related Case filed by Medical Advocates for Healthy Air. (Paul, Cort) (Filed on 2/2/2006) (Entered: 02/02/2006)
02/02/2006	<u>16</u>	Declaration of Paul R. Cort in Support of <u>15</u> MOTION to Related Case filed by Medical Advocates for Healthy Air. (Related document(s) <u>15</u>) (Paul, Cort) (Filed on 2/2/2006) (Entered: 02/02/2006)
02/02/2006	<u>17</u>	Proposed Order re <u>15</u> MOTION to Related Case by Medical Advocates for Healthy Air. (Paul, Cort) (Filed on 2/2/2006) (Entered: 02/02/2006)
02/06/2006	<u>18</u>	Memorandum in Opposition to <i>Plaintiffs' Administrative Motion to Consider Whether Cases Should be Related</i> filed by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 2/6/2006) (Entered: 02/06/2006)
02/06/2006	<u>19</u>	Proposed Order <i>Opposing Plaintiffs' Administrative Motion to Consider Whether Cases Should be Related</i> by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 2/6/2006) (Entered: 02/06/2006)
02/09/2006	<u>20</u>	ORDER by Judge Charles R. Breyer denying <u>15</u> Motion to Relate Case (be, COURT STAFF) (Filed on 2/9/2006) (Entered: 02/09/2006)
02/09/2006	<u>21</u>	Statement of Non-Opposition to <i>San Joaquin Valley Unified Air Pollution Control District's Motion to Intervene as Defendant</i> filed by Medical Advocates for Healthy Air. (Paul, Cort) (Filed on 2/9/2006) (Entered: 02/09/2006)
02/28/2006	<u>22</u>	Proposed Order re <u>9</u> MOTION to Intervene <i>as a Defendant amended as requested by Judge Armstrong</i> by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 2/28/2006) (Entered: 02/28/2006)
02/28/2006	<u>23</u>	Proposed Order re <u>9</u> MOTION to Intervene <i>as a Defendant to replace doc 22</i> by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 2/28/2006) (Entered: 02/28/2006)
03/06/2006	<u>24</u>	ORDER by Judge ARMSTRONG granting <u>9</u> Motion to Intervene (lrc, COURT STAFF) (Filed on 3/6/2006) (Entered: 03/06/2006)
03/13/2006	<u>25</u>	ANSWER to Complaint by Stephen L. Johnson, Wayne Natri. (Tonglao, Pamela) (Filed on 3/13/2006) (Entered: 03/13/2006)
03/15/2006	<u>26</u>	NOTICE of Substitution of Counsel by Norman L. Rave, Jr (Rave, Norman) (Filed on 3/15/2006) (Entered: 03/15/2006)
03/22/2006	<u>27</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Paul, Cort) (Filed on 3/22/2006) (Entered: 03/22/2006)
03/22/2006	<u>28</u>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Paul, Cort) (Filed on 3/22/2006) (Entered: 03/22/2006)
03/22/2006	<u>29</u>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Rave, Norman) (Filed on 3/22/2006) (Entered: 03/22/2006)
03/22/2006	<u>30</u>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>by SJVAPCD</i> (Jay, Phillip) (Filed on 3/22/2006) (Entered: 03/22/2006)
03/22/2006	<u>31</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) <i>by SJVAPCD</i> (Jay, Phillip) (Filed on 3/22/2006) (Entered: 03/22/2006)
03/24/2006	<u>32</u>	ADR Clerks Notice Setting ADR Phone Conference on 4/5/06 at 9:30 a.m. Please take note that plaintiff's counsel initiates the call to all parties. (tjs, COURT STAFF) (Filed

		on 3/24/2006) (Entered: 03/24/2006)
04/03/2006	<u>33</u>	JOINT CASE MANAGEMENT STATEMENT <i>and Proposed Order</i> filed by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum. (Paul, Cort) (Filed on 4/3/2006) (Entered: 04/03/2006)
04/05/2006		ADR Remark: ADR Phone Conference conducted on 4/5/06 by RWS. (tjs, COURT STAFF) (Filed on 4/5/2006) (Entered: 04/13/2006)
04/12/2006	<u>34</u>	STIPULATION <i>Allowing Intervention of California Air Resources Board; [Proposed] Answer of Intervenor California Air Resources Board; [Proposed] Order Granting Intervention and Allowing Filing of [Proposed] Answer</i> by California Air Resources Board. (Levinson, Ellyn) (Filed on 4/12/2006) (Entered: 04/12/2006)
04/12/2006	<u>35</u>	<i>[Proposed] ANSWER to Complaint Submitted by Intervenor California Air Resources Board</i> by California Air Resources Board. (Levinson, Ellyn) (Filed on 4/12/2006) (Entered: 04/12/2006)
04/12/2006	<u>36</u>	<i>Proposed Order Granting Intervention of California Air Resources Board and Allowing Filing of [Proposed] Answer</i> by California Air Resources Board. (Levinson, Ellyn) (Filed on 4/12/2006) (Entered: 04/12/2006)
04/12/2006	<u>37</u>	NOTICE by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum <i>Notice of Motion and Motion for Partial Summary Judgment</i> (Paul, Cort) (Filed on 4/12/2006) (Entered: 04/12/2006)
04/12/2006	<u>38</u>	MOTION for Partial Summary Judgment <i>Plaintiffs' Opening Memorandum in Support of Motion for Partial Summary Judgment on Liability and Injunctive Relief (WITH EXHIBITS)</i> filed by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum. Motion Hearing set for 5/23/2006 01:00 PM in Courtroom 3, 3rd Floor, Oakland. (Paul, Cort) (Filed on 4/12/2006) (Entered: 04/12/2006)
04/12/2006	<u>39</u>	<i>Proposed Order Granting Plaintiffs' Motion for Partial Summary Judgment</i> by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum. (Paul, Cort) (Filed on 4/12/2006) (Entered: 04/12/2006)
04/12/2006	<u>40</u>	Declaration of Kevin Hamilton filed by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum. (Paul, Cort) (Filed on 4/12/2006) (Entered: 04/12/2006)
04/12/2006	<u>41</u>	Declaration of Eugene Kevin Hall filed by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum. (Paul, Cort) (Filed on 4/12/2006) (Entered: 04/12/2006)
04/13/2006	<u>42</u>	ORDER re <u>34</u> Stipulation, filed by California Air Resources Board,. Signed by Judge ARMSTRONG on 4/13/06. (lrc, COURT STAFF) (Filed on 4/13/2006) (Entered: 04/13/2006)
04/13/2006	<u>43</u>	ERRATA re <u>38</u> <i>Motion for Partial Summary Judgment on Liability and Injunctive Relief (WITH EXHIBITS)</i> by Medical Advocates for Healthy Air (Paul, Cort) (Filed on 4/13/2006) Modified on 4/14/2006 (jlm, COURT STAFF). Modified on 4/14/2006 (jlm, COURT STAFF). (Entered: 04/13/2006)
04/13/2006	<u>44</u>	Minute Entry: Initial Case Management Conference held on 4/13/2006 before JUDGE ARMSTRONG (Date Filed: 4/13/2006). () (lrc, COURT STAFF) (Date Filed: 4/13/2006) (Entered: 04/14/2006)
04/19/2006	<u>45</u>	STIPULATION and Proposed Order <i>to Continue Hearing Date and Establish Briefing Schedule</i> filed by Stephen L. Johnson, Wayne Nastri. (Rave, Norman) (Filed on 4/19/2006) Modified on 4/20/2006 (jlm, COURT STAFF). (Entered: 04/19/2006)
04/20/2006	<u>46</u>	ORDER Setting Hearing on Motion <u>38</u> MOTION for Partial Summary Judgment <i>Plaintiffs' Opening Memorandum in Support of Motion for Partial Summary Judgment on Liability and Injunctive Relief (WITH EXHIBITS)</i> .. Signed by Judge ARMSTRONG on 4/19/06. (lrc, COURT STAFF) (Filed on 4/20/2006) (Entered: 04/20/2006)
04/24/2006	<u>47</u>	NOTICE of Change In Counsel by Charles William Getz <i>NOTICE OF CHANGE IN COUNSEL BY MICHAEL W. NEVILLE</i> (Getz, Charles) (Filed on 4/24/2006) (Entered: 04/24/2006)

05/01/2006	<u>48</u>	MOTION to Intervene filed by Air Coalition Team. Motion Hearing set for 6/6/2006 01:00 PM in Courtroom 3, 3rd Floor, Oakland. (Stuart, Rissa) (Filed on 5/1/2006) (Entered: 05/01/2006)
05/01/2006	<u>49</u>	MEMORANDUM in Support re <u>48</u> MOTION to Intervene filed by Air Coalition Team. (Related document(s) <u>48</u>) (Stuart, Rissa) (Filed on 5/1/2006) (Entered: 05/01/2006)
05/01/2006	<u>50</u>	Declaration of Earl P. Williams in Support of <u>48</u> MOTION to Intervene filed by Air Coalition Team. (Related document(s) <u>48</u>) (Stuart, Rissa) (Filed on 5/1/2006) (Entered: 05/01/2006)
05/01/2006	<u>51</u>	Proposed Order re <u>48</u> MOTION to Intervene by Air Coalition Team. (Stuart, Rissa) (Filed on 5/1/2006) (Entered: 05/01/2006)
05/01/2006	<u>52</u>	<i>PROPOSED</i> ANSWER to Complaint by Air Coalition Team. (Stuart, Rissa) (Filed on 5/1/2006) (Entered: 05/01/2006)
05/09/2006	<u>53</u>	Memorandum in Opposition re <u>38</u> MOTION for Partial Summary Judgment <i>Plaintiffs' Opening Memorandum in Support of Motion for Partial Summary Judgment on Liability and Injunctive Relief (WITH EXHIBITS)</i> filed by Stephen L. Johnson, Wayne Nastri. (Attachments: # <u>1</u> Jordan Declaration # <u>2</u> Proposed Order) (Rave, Norman) (Filed on 5/9/2006) (Entered: 05/09/2006)
05/10/2006	<u>54</u>	Memorandum in Opposition re <u>38</u> MOTION for Partial Summary Judgment <i>Plaintiffs' Opening Memorandum in Support of Motion for Partial Summary Judgment on Liability and Injunctive Relief (WITH EXHIBITS)</i> filed by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 5/10/2006) (Entered: 05/10/2006)
05/10/2006	<u>55</u>	Declaration of Scott Nester in Opposition re <i>Motion for Summary Judgment</i> filed by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 5/10/2006) Modified on 5/11/2006 (jlm, COURT STAFF). (Entered: 05/10/2006)
05/10/2006	<u>56</u>	OBJECTIONS to <i>Plaintiffs' Evidence</i> by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 5/10/2006) (Entered: 05/10/2006)
05/15/2006	<u>57</u>	NOTICE of Appearance by Michael R. Sherwood <i>Notice of Appearance of Michael R. Sherwood and George M. Torgun</i> (Sherwood, Michael) (Filed on 5/15/2006) (Entered: 05/15/2006)
05/15/2006	<u>58</u>	Memorandum in Opposition <i>Plaintiffs' Memorandum in Opposition to Motion to Intervene by Air Coalition Team</i> filed by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum. (Paul, Cort) (Filed on 5/15/2006) (Entered: 05/15/2006)
05/15/2006	<u>59</u>	Proposed Order <i>Denying Air Coalition Team's Motion to Intervene as a Defendant</i> by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum. (Paul, Cort) (Filed on 5/15/2006) (Entered: 05/15/2006)
05/16/2006	<u>60</u>	RESPONSE to <u>48</u> MOTION to Intervene by Stephen L. Johnson, Wayne Nastri. (Attachments: # <u>1</u> 05-5184 WHA Order on Intervention # <u>2</u> 05-0094 CW Order on Intervention) (Rave, Norman) (Filed on 5/16/2006) Modified on 5/17/2006 (jlm, COURT STAFF). (Entered: 05/16/2006)
05/19/2006	<u>61</u>	CASE MANAGEMENT SCHEDULING ORDER: Case Management Conference set for 6/27/2006 01:00 PM.. Signed by Judge ARMSTRONG on 5/19/06. (Irc, COURT STAFF) (Filed on 5/19/2006) (Entered: 05/19/2006)
05/22/2006	<u>62</u>	Reply to Opposition filed by Air Coalition Team. (Stuart, Rissa) (Filed on 5/22/2006) (Entered: 05/22/2006)
05/24/2006	<u>63</u>	NOTICE by San Joaquin Valley Unified Air Pollution Control District re <u>48</u> MOTION to Intervene <i>District's Statement Re: Standing Order No. 8</i> (Tognazzini, Catherine) (Filed on 5/24/2006) (Entered: 05/24/2006)
05/25/2006	<u>64</u>	NOTICE by San Joaquin Valley Unified Air Pollution Control District <i>Notice of Lodging Proposed Order</i> (Tognazzini, Catherine) (Filed on 5/25/2006) (Entered: 05/25/2006)

05/25/2006	<u>65</u>	Proposed Order <i>Granting Summary Judgment In Part</i> by San Joaquin Valley Unified Air Pollution Control District. (Tognazzini, Catherine) (Filed on 5/25/2006) (Entered: 05/25/2006)
05/25/2006	<u>66</u>	Reply Memorandum <i>in Support of Motion for Summary Judgment</i> filed by Medical Advocates for Healthy Air. (Paul, Cort) (Filed on 5/25/2006) (Entered: 05/25/2006)
05/25/2006	<u>67</u>	Declaration of David Howekamp <i>in Support of Motion for Summary Judgment</i> filed by Medical Advocates for Healthy Air. (Paul, Cort) (Filed on 5/25/2006) (Entered: 05/25/2006)
05/25/2006	<u>68</u>	Proposed Order <i>Granting Plaintiffs' Motion for Partial Summary Judgment</i> by Medical Advocates for Healthy Air. (Paul, Cort) (Filed on 5/25/2006) (Entered: 05/25/2006)
05/25/2006	<u>69</u>	Proposed Order re <u>48</u> MOTION to Intervene <i>as a Defendant amended as requested by Judge Armstrong</i> by Air Coalition Team. (Stuart, Rissa) (Filed on 5/25/2006) (Entered: 05/25/2006)
05/26/2006	<u>70</u>	Consent MOTION to Appear by Telephone <i>by Defendants at Hearing on Motion to Intervene</i> filed by Stephen L. Johnson, Wayne Natri. (Attachments: # <u>1</u> Proposed Order)(Rave, Norman) (Filed on 5/26/2006) (Entered: 05/26/2006)
06/02/2006	<u>71</u>	ORDER by Judge ARMSTRONG denying <u>48</u> Motion to Intervene, DENYING as moot <u>70</u> Motion to Appear by Telephone (lrc, COURT STAFF) (Filed on 6/2/2006) (Entered: 06/02/2006)
06/14/2006	<u>72</u>	JOINT CASE MANAGEMENT STATEMENT <i>and Proposed Order</i> filed by Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum. (Paul, Cort) (Filed on 6/14/2006) (Entered: 06/14/2006)
06/21/2006	<u>73</u>	NOTICE of Appearance by Andrew J Doyle <i>for purposes of June 27, 2006 motions hearing</i> (Doyle, Andrew) (Filed on 6/21/2006) (Entered: 06/21/2006)
06/27/2006	<u>74</u>	CLERK'S NOTICE Case Management Conference set for 7/5/2006 03:45 PM. via telephone. (lrc, COURT STAFF) (Filed on 6/27/2006) (Entered: 06/27/2006)
06/28/2006	<u>75</u>	TRANSCRIPT of Proceedings held on 6/27/06 before Judge Sandra Brown Armstrong. Court Reporter: Starr Wilson.. (cp, COURT STAFF) (Filed on 6/28/2006) (Entered: 06/29/2006)
06/30/2006	<u>76</u>	NOTICE by Stephen L. Johnson, Wayne Natri <i>OF FILING PROPOSED ORDER FOLLOWING JUNE 27, 2006 MOTION HEARING</i> (Attachments: # <u>1</u> Proposed Order)(Doyle, Andrew) (Filed on 6/30/2006) (Entered: 06/30/2006)
07/05/2006	<u>77</u>	ORDER by Judge Armstrong granting <u>38</u> Motion for Partial Summary Judgment (lrc, COURT STAFF) (Filed on 7/5/2006) (Entered: 07/05/2006)
07/19/2006	<u>78</u>	STIPULATION and Proposed Order <i>to Extend Time for Plaintiffs to File Motion Seeking Attorneys' Fees and Bill of Costs</i> by Medical Advocates for Healthy Air. (Paul, Cort) (Filed on 7/19/2006) Modified on 7/20/2006 (jlm, COURT STAFF). (Entered: 07/19/2006)
07/24/2006	<u>79</u>	JUDGMENT in favor of PLAINTIFF against DEFENDANT. Signed by Judge 7/24/06 on 7/24/06. (lrc, COURT STAFF) (Filed on 7/24/2006) (Entered: 07/24/2006)
07/24/2006	<u>80</u>	STIPULATION AND ORDER. Signed by Judge ARMSTRONG on 7/24/06. (lrc, COURT STAFF) (Filed on 7/24/2006) (Entered: 07/24/2006)
10/04/2006	<u>81</u>	STIPULATION <i>and Proposed Order Settling Plaintiffs' Claims for Attorneys' Fees and Costs</i> by Stephen L. Johnson, Wayne Natri. (Rave, Norman) (Filed on 10/4/2006) (Entered: 10/04/2006)
10/06/2006	<u>82</u>	STIPULATION AND ORDER SETTLING PLAINTIFFS' CLAIMS FOR ATTORNEYS' FEES AND COSTS. Signed by Judge ARMSTRONG on 10/6/06. (lrc, COURT STAFF) (Filed on 10/6/2006) (Entered: 10/06/2006)

SETTLEMENT AGREEMENT
(COSTS OF LITIGATION)

WHEREAS, Kentuckians for the Commonwealth, Friends of the Chattahoochee and Sierra Club ("Plaintiffs") filed their Complaint in the United States District Court for the District of Columbia against Defendant Stephen L. Johnson, Administrator of the United States Environmental Protection Agency ("EPA"), Case No. 06-CV-184(RMU);

WHEREAS, the complaint alleged EPA failed to perform a non-discretionary duty to review, and if appropriate revise the New Source Performance Standards ("NSPS") for metallic mineral processing plants ("Subpart OOO") and for coal preparation plants ("Subpart Y") as required by CAA Section 111(b), 42 U.S.C. § 7411(b)(1)(B), and to publish notice of such action in the Federal Register as required by CAA Section 307(d), 42 U.S.C. § 7607(d);

WHEREAS, on October 16, 2006, the District Court entered a consent decree that resolved the matters raised in this litigation;

WHEREAS, the consent decree provides that the deadline for filing a motion for costs of litigation (including attorneys' fees) is extended until 100 days after entry of the decree;

WHEREAS, Plaintiffs' contend that they are entitled, pursuant to Clean Air Act section 304(d), 42 U.S.C. § 7604(d), to an award of its costs of litigation (including reasonable attorneys' fees) with respect to this litigation;

WHEREAS, in order to avoid unnecessary litigation, the parties wish to settle Plaintiffs' claims for costs of litigation, including reasonable attorneys' fees, incurred in connection with this matter;

NOW, it is therefore agreed:

1. The United States shall pay, as soon as is reasonably practicable, \$16,092 by electronic funds transfer in accordance with instructions provided by Plaintiffs' counsel.

2. Any obligations of the United States to obligate or expend funds under this Settlement Agreement are subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Settlement Agreement shall not be construed to require the United States to obligate or pay funds in contravention of said Anti-Deficiency Act, 31 U.S.C. § 1341.

3. Plaintiffs agree that payment pursuant to Paragraphs 1 constitutes full and final payment of the fees and costs that they have incurred in connection with this matter up until the date of the signing of this settlement agreement. Upon timely payment as provided in paragraph 1, Plaintiffs release the United States, including EPA, from any claims regarding such fees and costs under any provision of law they have asserted or could have asserted in connection with the above-captioned matter. The parties agree that Plaintiffs reserve the right to seek additional attorney fees and costs that may be incurred subsequent to the date of filing of this settlement agreement to enforce or defend against efforts to modify the consent order in this case.

4. If the United States makes the payments specified in paragraph 1 within 90 days of entry of the consent decree, then Plaintiffs agree to promptly file a notice with the Court stating that the Settlement Agreement has been satisfied and that Plaintiffs will not petition the Court for an award of fees and costs of litigation.

5. If the United States fails to make the payments specified in paragraph 1 within 90 days of entry of the Consent Decree, then Plaintiffs may make application to the Court for an award of costs and attorneys' fees, which shall be Plaintiffs' sole remedy for failure of the United States to make timely payment under this agreement.

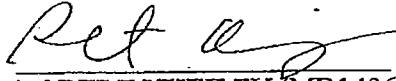
6. The undersigned representatives of each party certify that they are fully

authorized by the party or parties they represent to enter into this Settlement Agreement.

SO AGREED:

FOR PLAINTIFFS


Date: 10/18/06


ROBERT UKEILEY (MD14062)
Law Office of Robert Ukeiley
433 Chestnut Street
Berea, KY 40403
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FOR DEFENDANT

Date: 10/19/06

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division


AMMIE ROSEMAN-ORR
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CLOSED, TYPE-C

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:06-cv-00184-RMU**

KENTUCKIANS FOR THE COMMONWEALTH et al v.
JOHNSON

Assigned to: Judge Ricardo M. Urbina
Cause: 33:1365 Environmental Matters

Date Filed: 02/02/2006

Date Terminated: 12/01/2006

Jury Demand: None

Nature of Suit: 893 Environmental Matters

Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
02/02/2006	<u>1</u>	COMPLAINT against STEPHEN L. JOHNSON (Filing fee \$ 250) filed by KENTUCKIANS FOR THE COMMONWEALTH, FRIENDS OF THE CHATTAHOOCHEE, SIERRA CLUB.(jf,) (Entered: 02/03/2006)
02/02/2006		SUMMONS (3) Issued as to STEPHEN L. JOHNSON, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 02/03/2006)
02/02/2006	<u>2</u>	LCvR 7.1 – CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by KENTUCKIANS FOR THE COMMONWEALTH, FRIENDS OF THE CHATTAHOOCHEE, SIERRA CLUB (jf,) (Entered: 02/03/2006)
02/06/2006	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Greg Howard. :Address– 207 W. Court St., Ste. 202 Prestonsburg, KY 41653. Phone No. – 606.886.1442. Fax No. – 606.886.1455 by KENTUCKIANS FOR THE COMMONWEALTH, FRIENDS OF THE CHATTAHOOCHEE, SIERRA CLUB. (Attachments: # <u>1</u> Affidavit # <u>2</u> Text of Proposed Order)(Ukeiley, Robert) (Entered: 02/06/2006)
02/17/2006		MINUTE ORDER granting <u>3</u> Motion for Leave to Appear Pro Hac Vice. Greg Howard may appear pro hac vice. Signed by Judge Ricardo M. Urbina on 2/17/06. (md) (Entered: 02/17/2006)
02/28/2006	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. STEPHEN L. JOHNSON served on 2/2/2006, answer due 4/3/2006 (Ukeiley, Robert) Modified on 3/1/2006 (nmw,). (Entered: 02/28/2006)
02/28/2006	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 2/21/06. (Ukeiley, Robert) (Entered: 02/28/2006)
02/28/2006	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to STEPHEN L. JOHNSON served on 2/24/2006, answer due 4/25/2006 (Ukeiley, Robert) Modified on 3/1/2006 (nmw,). (Entered: 02/28/2006)
04/13/2006	<u>7</u>	NOTICE of Appearance by Ammie I. Roseman–Orr on behalf of STEPHEN L. JOHNSON (Roseman–Orr, Ammie) (Entered: 04/13/2006)
04/13/2006	<u>8</u>	FIRST AMENDED COMPLAINT against STEPHEN L. JOHNSON filed by KENTUCKIANS FOR THE COMMONWEALTH, FRIENDS OF THE CHATTAHOOCHEE, SIERRA CLUB.(jf,) (Entered: 04/14/2006)
04/24/2006	<u>9</u>	ANSWER to Amended Complaint by STEPHEN L. JOHNSON. Related document: <u>8</u> Amended Complaint filed by SIERRA CLUB,, KENTUCKIANS FOR THE COMMONWEALTH,, FRIENDS OF THE CHATTAHOOCHEE,,(Roseman–Orr, Ammie) (Entered: 04/24/2006)
04/24/2006	<u>10</u>	STANDING ORDER . Signed by Judge Ricardo M. Urbina on April 24, 2006. (jwd) (Entered: 04/24/2006)
08/15/2006	<u>11</u>	NOTICE of Lodging of Proposed Consent Decree by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Proposed Consent Decree)(Roseman–Orr, Ammie) (Entered: 08/15/2006)

10/13/2006	<u>12</u>	Unopposed MOTION for Order <i>entering Consent Decree</i> by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Consent Decree)(Roseman-Orr, Ammie) (Entered: 10/13/2006)
10/16/2006	<u>13</u>	CONSENT DECREE AND ORDER signed by Judge Ricardo M. Urbina on October 16, 2006, of adequate and equitable resolution of the claims in this matter. The Court shall retain jurisdiction to determine and effectuate compliance with this Decree. When Administrator's obligations under Paragraphs 2 through 5 have been completed, and the Plaintiffs' claims for cost of litigation have been resolved pursuant to the process described in Paragraph 8, the above-caption matter shall be dismissed with prejudice. The Parties shall file the appropriate notice with Court so that the Clerk may close the file. (jwd,) (Entered: 10/16/2006)
12/01/2006	<u>14</u>	NOTICE of Settlement <i>of costs of litigation</i> by all plaintiffs (Ukeiley, Robert) (Entered: 12/01/2006)
01/26/2009	<u>15</u>	NOTICE of <i>Modification of Consent Decree</i> by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Agreed Modification to CD)(Purdy, Angeline) (Entered: 01/26/2009)

**SETTLEMENT AGREEMENT
FOR ATTORNEYS' FEES AND COSTS**

Plaintiffs Sierra Club and Coosa River Basin Initiative (collectively "Plaintiffs") and defendants United States Environmental Protection Agency and Stephen Johnson, Administrator (collectively "EPA") enter into the following agreement to resolve Plaintiffs' claims for attorneys' fees and costs in the matter of *Sierra Club and Coosa River Basin Initiative v. United States Environmental Protection Agency and Stephen Johnson, Administrator*, Case No. 1:06cv1523-WSD (N.D. Ga.). The United States, on behalf of EPA, agrees to pay Plaintiffs, and Plaintiffs agree to accept, the total amount of twelve thousand dollars (\$12,000.00) in full settlement of all claims for costs of litigation incurred in the above action up to and including the date of execution of this agreement. This settlement agreement shall not be interpreted to preclude any rights plaintiffs may have to secure payment of any costs or attorneys' fees they may incur in this matter after the date of execution of this agreement.

Payment will be made as soon as reasonably practicable by electronic transfer to Georgia Center for Law in the Public Interest in accordance with instructions provided by Plaintiffs.

The United States' obligation is subject to the availability of appropriated funds. No provisions of this Agreement shall be interpreted as or constitute a commitment or requirement that the United States obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341.

The undersigned representatives of each party certify that they are fully authorized by the party that they represent to bind that party to the terms of this Agreement.

COUNSEL FOR PLAINTIFFS:

Dated: February 28, 2007



JUSTINE THOMPSON

Georgia Center for Law in the Public Interest
175 Trinity Avenue, SW
Atlanta, Georgia 30303


COUNSEL FOR DEFENDANT:

MATTHEW J. McKEOWN

Acting Assistant Attorney General

Environment & Natural Resources Division

March
Dated: February 5, 2007



TARA M. BAHN

U.S. Department of Justice

Environmental Defense Section

P.O. Box 23986

Washington, DC 20026-3986

CLOSED

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:06-cv-01523-WSD**

Sierra Club et al v. The United States Environmental Protection Agency et al
Assigned to: Judge William S. Duffey, Jr
Cause: 42:7604 Citizen suit to enforce Clean Air Act

Date Filed: 06/27/2006
Date Terminated: 02/26/2007
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
06/27/2006	<u>1</u>	COMPLAINT filed. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Filing fee \$ 350 receipt number 552758.), filed by Sierra Club, Coosa River Basin Initiative. (Attachments: # <u>1</u> Civil Cover Sheet)(hfm) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/28/2006)
06/27/2006	<u>2</u>	APPLICATION for Admission of George E. Hays Pro Hac Vice by Sierra Club and Coosa River Basin Initiative. Filing Fee received \$150.00, Receipt #552757. (to WSD) (kt) (Entered: 06/28/2006)
07/03/2006		ORDER (by docket entry only) granting <u>2</u> Application for Admission Pro Hac Vice George E. Hays. Ordered by Judge William S. Duffey Jr. on 7/3/06. (jdb) (Entered: 07/03/2006)
08/02/2006	<u>3</u>	Summons Issued as to The United States Environmental Protection Agency. (kt) (Entered: 08/02/2006)
08/02/2006	<u>4</u>	Summons Issued as to The United States Environmental Protection Agency, U.S. Attorney and U.S. Attorney General. (kt) (Entered: 08/02/2006)
10/02/2006	<u>5</u>	ANSWER to Complaint by The United States Environmental Protection Agency, Stephen Johnson. Discovery ends on 3/1/2007.(Bahn, Tara) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 10/02/2006)
10/02/2006	<u>6</u>	Instructions to Litigants for Discovery and Motion Practice Signed by Judge William S. Duffey Jr. on 10/02/2006. (csd) (Entered: 10/02/2006)
11/06/2006	<u>7</u>	NOTICE of Settlement <i>Stipulation to Continue Rule 26 Conference and Notice of Settlement in Principle</i> by Sierra Club, Coosa River Basin Initiative (Thompson, Justine) (Entered: 11/06/2006)
11/27/2006	<u>8</u>	NOTICE by The United States Environmental Protection Agency, Stephen Johnson of <i>Lodging of Proposed Consent Decree</i> (Attachments: # <u>1</u> Proposed Consent Decree)(Bahn, Tara) (Entered: 11/27/2006)
02/09/2007	<u>9</u>	Joint MOTION to Enter Consent Decree with Brief In Support by The United States Environmental Protection Agency, Stephen Johnson. (Attachments: # <u>1</u> Attachment A – Proposed Consent Decree)(Bahn, Tara) Modified on 2/12/2007 to edit docket text to reflect e-filed document. (kt). (Entered: 02/09/2007)
02/13/2007	<u>10</u>	ORDER GRANTING <u>9</u> Motion to Enter Consent Decree. CONSENT DECREE ENTERED. Signed by Judge William S. Duffey Jr. on 2/13/07. (kt) (Entered: 02/13/2007)
02/22/2007	<u>11</u>	First MOTION for Extension of Time <i>For Filing of Fee Petition</i> by Sierra Club. (Thompson, Justine) (Entered: 02/22/2007)
02/26/2007	<u>12</u>	ORDER GRANTING <u>7</u> <i>Stipulation to Continue Rule 26 Conference and Notice of Settlement in Principal</i> . Accordingly, plaintiffs and EPA stipulate to notify the Court by 3/7/07 that the parties have reached a final agreement regarding fees and costs. Signed by Judge William S. Duffey Jr. on 2/23/07. (kt) (Entered: 02/26/2007)

02/26/2007		Civil Case Administratively closed. (kt) (Entered: 02/28/2007)
03/06/2007	<u>13</u>	NOTICE of Settlement <i>of Attorneys' Fees and Costs</i> by The United States Environmental Protection Agency, Stephen Johnson (Bahn, Tara) (Entered: 03/06/2007)
06/29/2007	<u>14</u>	STIPULATION of Dismissal <i>with Prejudice</i> by The United States Environmental Protection Agency, Stephen Johnson. (Bahn, Tara) (Entered: 06/29/2007)
07/03/2007		Clerk's Entry of Dismissal re: <u>14</u> Stipulation of Dismissal with Prejudice (cdg) (Entered: 07/03/2007)

SETTLEMENT AGREEMENT

WHEREAS, Plaintiffs Idaho Conservation League, Friends of the Clearwater, and Mark Soloman, filed a Complaint on February 26, 2007, against Defendant Stephen L. Johnson, in his official capacity as Administrator, United States Environmental Protection Agency;

WHEREAS, Plaintiffs' Complaint alleges that EPA has a mandatory duty pursuant to 42 U.S.C. § 7661d(b)(2) to respond to Plaintiffs' February 7, 2003, petition requesting that EPA object to Clean Air Act Title V permits for Potlach Forest Product Corporation's manufacturing facility in Lewiston, Idaho ("the Potlach permits");

WHEREAS, EPA on May 7, 2007, signed an order denying Plaintiffs' February 7, 2003 petition requesting that EPA object to the Potlach permits;

WHEREAS, the parties wish to settle the litigation and Plaintiffs' claim for costs of litigation, including attorneys' fees, in order to avoid unnecessary litigation and without any admission of fact or law;

NOW THEREFORE, it is agreed:

1. The United States shall pay, as soon as reasonably practicable, \$4,945.00 to Plaintiffs' counsel, Robert Ukeiley, by electronic funds transfer in accordance with instructions provided to Defense Counsel by Plaintiffs' counsel.
2. Any obligations of the United States to expend funds under this Settlement Agreement are subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Settlement Agreement shall not be construed to require the United States to obligate or pay funds in contravention of the said Anti-Deficiency Act, 31 U.S.C. § 1341.
3. Plaintiffs agree that payment pursuant to Paragraph 1 within 90 days of the date on which the Agreement has been executed by both parties (or after 90 days if Plaintiffs accept

payment after that date) will constitute full and final payment of costs of litigation (including reasonable attorney fees) incurred by Plaintiffs in connection with this matter. Upon payment within 90 days of the date on which the Agreement has been executed (or upon payment after 90 days if Plaintiffs accept payment), Plaintiffs release the United States, including EPA, from any claims regarding such fees and costs in connection with this matter.

4. In the event that the United States fails to pay the sum specified in Paragraph 1 of this Agreement within 90 days of the date on which the Agreement has been executed by both parties, Plaintiffs may file a motion with the Court for their costs of litigation (including reasonable attorney fees). The parties agree that in litigation over such fee application, they will not disclose to the Court the amount agreed upon in paragraph 1, and that the United States reserves any defenses it may have to a fee application.

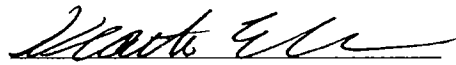
5. Within 10 days of the date on which the Agreement has been executed by both parties, Plaintiffs shall file a motion to dismiss their Complaint. The dismissal shall be with prejudice, except that Plaintiffs may reserve the ability to file a motion for costs of litigation (including reasonable attorney fees), in the event that the United States fails to pay the sum specified in Paragraph 1 of this Agreement within 90 days of the date on which the Agreement has been executed by both parties.

6. The undersigned representatives of the parties certify that they are fully authorized by the party or parties they represent to enter into and execute the terms and conditions of the settlement agreement. By signature below, all parties consent to this settlement agreement.

SO AGREED:

FOR THE DEFENDANT

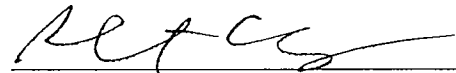
RONALD J. TENPAS
Acting Assistant Attorney General
Environment & Natural Resources Division



HEATHER E. GANGE
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Dated: 7/6/2007

FOR THE PLAINTIFFS



ROBERT UKEILEY
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435R Chestnut St., Ste. 1
Berea, KY 40403
(859) 986-5402
(866) 618-1017 (fax)
Rukeiley@igc.org

Dated: 7/5/07

CLOSED, TYPE-C

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:07-cv-00396-RBW

IDAHO CONSERVATION LEAGUE et al v. JOHNSON
Assigned to: Judge Reggie B. Walton
Cause: 42:7604 Petition to Quash IRS Summons

Date Filed: 02/23/2007
Date Terminated: 08/14/2007
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
02/23/2007	<u>1</u>	COMPLAINT against STEPHEN L. JOHNSON (Filing fee \$ 350 receipt number 4616002538) filed by IDAHO CONSERVATION LEAGUE, FRIENDS OF THE CLEARWATER, MARK SOLOMON. (Attachments: # <u>1</u> Civil Cover Sheet)(td,) (Entered: 02/27/2007)
02/23/2007	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by IDAHO CONSERVATION LEAGUE (td,) (Entered: 02/27/2007)
02/23/2007	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by FRIENDS OF THE CLEARWATER (td,) (Entered: 02/27/2007)
02/23/2007		SUMMONS (3) Issued as to STEPHEN L. JOHNSON, U.S. Attorney and U.S. Attorney General (td,) (Entered: 02/27/2007)
03/15/2007	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to STEPHEN L. JOHNSON served on 3/9/2007, answer due 5/8/2007. (Ukeiley, Robert) (Entered: 03/15/2007)
03/15/2007	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. (Ukeiley, Robert) (Entered: 03/15/2007)
03/15/2007	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. (Ukeiley, Robert) (Entered: 03/15/2007)
05/08/2007	<u>7</u>	NOTICE of Appearance by Heather E. Gange on behalf of STEPHEN L. JOHNSON, in his official capacity. (tg,) (Entered: 05/09/2007)
05/08/2007	<u>8</u>	Defendant's Unopposed MOTION for Extension of Time to Respond to the Complaint by STEPHEN L. JOHNSON (tg,) (Entered: 05/09/2007)
05/10/2007		MINUTE ORDER granting <u>8</u> Motion for Extension of Time. The defendant shall file an answer or otherwise respond to the plaintiffs' complaint by June 4, 2007. Signed by Judge Reggie B. Walton on 5/10/07. (lcrbw2) (Entered: 05/10/2007)
05/10/2007		Set/Reset Deadlines: Answer or otherwise respond to complaint due by 6/4/2007. (mpt,) (Entered: 05/10/2007)
05/24/2007	<u>9</u>	Unopposed MOTION for Extension of Time to File Answer by STEPHEN L. JOHNSON (Gange, Heather) (Entered: 05/24/2007)
05/24/2007	<u>10</u>	Unopposed MOTION for Extension of Time to File Answer (<i>corrected</i>) by STEPHEN L. JOHNSON (Gange, Heather) (Entered: 05/24/2007)
05/30/2007		MINUTE ORDER denying as moot <u>9</u> Motion for Extension of Time to Answer; granting <u>10</u> Motion for Extension of Time to Answer. The defendant shall file an answer or otherwise respond to the plaintiffs' complaint by June 29, 2007. Signed by Judge Reggie B. Walton on 5/30/07. (lcrbw2) (Entered: 05/30/2007)
05/30/2007		Set/Reset Deadlines: Answer and or otherwise respond to complaint by 6/29/2007. (mpt,) (Entered: 05/30/2007)
06/27/2007	<u>11</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by STEPHEN L. JOHNSON (Gange, Heather) (Entered: 06/27/2007)

07/02/2007		MINUTE ORDER granting <u>11</u> Motion for Extension of Time to Answer. The defendant shall answer or otherwise respond to the complaint by July 20, 2007. Signed by Judge Reggie B. Walton on 7/2/07. (lcrbw2) (Entered: 07/02/2007)
07/05/2007		Set/Reset Deadlines: Answer to complaint or otherwise respond to complaint by 7/20/2007. (mpt,) (Entered: 07/05/2007)
08/14/2007	<u>12</u>	STIPULATION of Dismissal <i>With Prejudice</i> by IDAHO CONSERVATION LEAGUE, FRIENDS OF THE CLEARWATER, MARK SOLOMON, STEPHEN L. JOHNSON. (Gange, Heather) (Entered: 08/14/2007)

SETTLEMENT AGREEMENT

WHEREAS, Plaintiffs Rocky Mountain Clean Air Action and Jeremy Nichols ("Plaintiffs") filed a Complaint on August 10, 2006, against Defendant Stephen L. Johnson, in his official capacity as Administrator, United States Environmental Protection Agency, and an amended Complaint on August 22, 2006;

WHEREAS, Plaintiffs' amended Complaint alleges that EPA has a mandatory duty pursuant to 42 U.S.C. § 7661d(b)(2) to respond to Plaintiffs' March 17, 2006 petition requesting that EPA object to a Clean Air Act Title V permits for the Denver Landfill (Permit No. 03OPWE254) ("Denver Landfill permit"), and April 6, 2006 petition requesting that EPA object to a Title V permit for the Pope and Talbot Mill (Permit No. 28.4401-09) ("Pope and Talbot permit");

WHEREAS, on December 22, 2007, EPA signed an order denying Plaintiffs' petition regarding the Denver Landfill permit;

WHEREAS, on March 22, 2007, EPA signed an order partially granting and partially denying Plaintiffs' petition regarding the Pope and Talbot permit;

WHEREAS, the parties wish to settle the litigation and Plaintiffs' claim for costs of litigation, including attorneys' fees, in order to avoid unnecessary litigation and without any admission of fact or law;

NOW THEREFORE, it is agreed:

1. The United States shall pay, as soon as reasonably practicable, \$9,536.00 to Plaintiffs' counsel, Robert Ukeiley, by electronic funds transfer in accordance with instructions provided to Defense Counsel by Plaintiffs' counsel.
2. Any obligations of the United States to expend funds under this Settlement Agreement are subject to the availability of appropriations in accordance with the Anti-

Deficiency Act, 31U.S.C. § 1341. This Settlement Agreement shall not be construed to require the United States to obligate or pay funds in contravention of the said Anti-Deficiency Act, 31 U.S.C. § 1341.

3. Plaintiffs agree that payment pursuant to Paragraph 1 within 90 days of the date on which the Agreement has been executed by both parties (or after 90 days if Plaintiffs accept payment after that date) will constitute full and final payment of costs of litigation (including reasonable attorney fees) incurred by Plaintiffs in connection with this matter. Upon payment within 90 days of the date on which the Agreement has been executed (or upon payment after 90 days if Plaintiffs accept payment), Plaintiffs release the United States, including EPA, from any claims regarding such fees and costs in connection with this matter.

4. In the event that the United States fails to pay the sum specified in Paragraph 1 of this Agreement within 90 days of the date on which the Agreement has been executed by both parties, Plaintiffs may file a motion with the Court for their costs of litigation (including reasonable attorney fees). The parties agree that in litigation over such fee application, they will not disclose to the Court the amount agreed upon in paragraph 1, and that the United States reserves any defenses it may have to a fee application.


5. Within 10 days of the date on which the Agreement has been executed by both parties, Plaintiffs shall file a motion to dismiss this action. The dismissal shall be with prejudice, except that Plaintiffs may reserve the ability to file a motion for costs of litigation (including reasonable attorney fees), in the event that the United States fails to pay the sum specified in Paragraph 1 of this Agreement within 90 days of the date on which the Agreement has been executed by both parties.

6. The undersigned representatives of the parties certify that they are fully authorized by the party or parties they represent to enter into and execute the terms and conditions of the settlement agreement. By signature below, all parties consent to this settlement agreement.

SO AGREED:


FOR THE DEFENDANT

RONALD J. TENPAS
Acting Assistant Attorney General
Environment & Natural Resources Division


JESSICA O'DONNELL
United States Department of Justice
DC Bar # 473166
Environmental Defense Section
P.O. Box 23986
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jessica.odonnell@usdoj.gov

Dated: 8/1/07

FOR THE PLAINTIFFS


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(866) 618-1017 (fax)
Rukeiley@igc.org

Dated: 7/26/07

CLOSED, STAYED, TYPE-C

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:06-cv-01419-RMC

ROCKY MOUNTAIN CLEAN AIR ACTION et al v.
JOHNSON

Assigned to: Judge Rosemary M. Collyer
Cause: 42:7604 Clear Air Act (Emission Standards)

Date Filed: 08/10/2006

Date Terminated: 08/08/2007

Jury Demand: None

Nature of Suit: 893 Environmental Matters

Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
08/10/2006	<u>1</u>	COMPLAINT against STEPHEN L. JOHNSON (Filing fee \$ 350) filed by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS.(tg,) (Entered: 08/11/2006)
08/10/2006	<u>2</u>	LCvR 7.1 – CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ROCKY MOUNTAIN CLEAN AIR ACTION (tg,) (Entered: 08/11/2006)
08/10/2006		Summons (3) Issued as to STEPHEN L. JOHNSON, U.S. Attorney and U.S. Attorney General (tg,) (Entered: 08/11/2006)
08/22/2006	<u>3</u>	FIRST AMENDED COMPLAINT against STEPHEN L. JOHNSON filed by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS.(nmw,) (Entered: 08/22/2006)
09/15/2006	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. STEPHEN L. JOHNSON served on 8/21/2006, answer due 10/20/2006 (Ukeiley, Robert) (Entered: 09/15/2006)
09/15/2006	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 8/21/06. (Ukeiley, Robert) (Entered: 09/15/2006)
09/15/2006	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to STEPHEN JOHNSON (Ukeiley, Robert) Modified on 9/18/2006 (tg,). (Entered: 09/15/2006)
10/16/2006	<u>7</u>	NOTICE of Appearance by Jessica O'Donnell on behalf of STEPHEN L. JOHNSON (O'Donnell, Jessica) (Entered: 10/16/2006)
10/16/2006	<u>8</u>	Unopposed MOTION for Extension of Time to File Answer by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Text of Proposed Order)(O'Donnell, Jessica) (Entered: 10/16/2006)
10/17/2006		MINUTE ENTRY ORDER granting <u>8</u> Defendant's Unopposed Motion for Extension of Time to Answer. Defendant's Answer shall be filed no later than January 3, 2007. Signed by Judge Rosemary M. Collyer on 10/17/06. (ebb) (Entered: 10/17/2006)
10/17/2006		Set Deadlines/Hearings: Answer to amended complaint due by 1/3/2007. (cdw) (Entered: 10/20/2006)
01/03/2007	<u>2</u>	Unopposed MOTION for Extension of Time to File Answer by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Text of Proposed Order)(O'Donnell, Jessica) (Entered: 01/03/2007)
01/08/2007		MINUTE ENTRY ORDER granting, nunc pro tunc to January 3, 2007, <u>2</u> Defendant's Motion for Extension of Time to Answer. Defendant's Answer shall be filed no later than January 8, 2007. Signed by Judge Rosemary M. Collyer on 1/8/07. (ebb) (Entered: 01/08/2007)

01/08/2007	<u>10</u>	ANSWER to Amended Complaint by STEPHEN L. JOHNSON. Related document: <u>3</u> Amended Complaint filed by JEREMY NICHOLS,, ROCKY MOUNTAIN CLEAN AIR ACTION,,(O'Donnell, Jessica) (Entered: 01/08/2007)
01/11/2007	<u>11</u>	MOTION for Judgment on the Pleadings <i>for Second Claim and Incorporated Memorandum of Points and Authorities</i> by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS. (Attachments: # <u>1</u> Exhibit 1 Affidavit of Jeremy Nichols# <u>2</u> Exhibit 2 Affidavit of Eric Bonds)(Ukeiley, Robert) (Entered: 01/11/2007)
01/11/2007	<u>12</u>	ADDITIONAL ATTACHMENT <i>Proposed Order</i> by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS <u>11</u> MOTION for Judgment on the Pleadings <i>for Second Claim and Incorporated Memorandum of Points and Authorities</i> filed by JEREMY NICHOLS,, ROCKY MOUNTAIN CLEAN AIR ACTION,, (Ukeiley, Robert) (Entered: 01/11/2007)
01/25/2007	<u>13</u>	Memorandum in opposition to re <u>11</u> MOTION for Judgment on the Pleadings <i>for Second Claim and Incorporated Memorandum of Points and Authorities and Cross-Motion for Summary Judgment as to Remedy</i> filed by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Statement of Facts Defendant's Statement of Material Facts Not In Dispute In Support of Cross-Motion for Summary Judgment as to Remedy# <u>2</u> Affidavit Declaration of G. Green# <u>3</u> Text of Proposed Order)(O'Donnell, Jessica) (Entered: 01/25/2007)
01/26/2007	<u>14</u>	Cross MOTION for Partial Summary Judgment <i>as to Remedy</i> by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Statement of Facts # <u>2</u> Affidavit Declaration of G. Green# <u>3</u> Text of Proposed Order)(O'Donnell, Jessica) (Entered: 01/26/2007)
02/02/2007	<u>15</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION for Judgment on the Pleadings <i>for Second Claim and Incorporated Memorandum of Points and Authorities</i> , <u>14</u> Cross MOTION for Partial Summary Judgment <i>as to Remedy</i> by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS. (Attachments: # <u>1</u>)(Ukeiley, Robert) (Entered: 02/02/2007)
02/08/2007	<u>16</u>	STIPULATION of Dismissal <i>Joint Stipulation as to First Claim Authorized by Defendant</i> by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS. (Ukeiley, Robert) (Entered: 02/08/2007)
02/12/2007		MINUTE ENTRY ORDER granting, nunc pro tunc to February 2, 2007, <u>15</u> Plaintiff's Motion for Extension of Time to File Response/Reply. Plaintiff's Response/Reply shall be filed no later than February 12, 2007. Signed by Judge Rosemary M. Collyer on 2/12/07. (ebb) (Entered: 02/12/2007)
02/12/2007		MINUTE ENTRY ORDER. The parties' <u>16</u> Stipulation of Partial Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii) is construed as a motion for leave to amend the Amended Complaint pursuant to Fed. R. Civ. P. 15(a) to delete Plaintiff's first claim for relief and, so construed, is granted. See 8 Moore's Federal Practice 41.21(1)-(2). Signed by Judge Rosemary M. Collyer on 2/12/07. (ebb) (Entered: 02/12/2007)
02/12/2007	<u>17</u>	REPLY to opposition to motion re <u>11</u> MOTION for Judgment on the Pleadings <i>for Second Claim and Incorporated Memorandum of Points and Authorities</i> filed by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS. (Attachments: # <u>1</u> Statement of Facts Plaintiffs' Response to Defendant's Statement of Material Facts Not In Dispute# <u>2</u> Text of Proposed Order Revised Proposed Order)(Ukeiley, Robert) (Entered: 02/12/2007)

02/12/2007	<u>18</u>	Memorandum in opposition to re <u>14</u> Cross MOTION for Partial Summary Judgment <i>as to Remedy</i> filed by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS. (Attachments: # <u>1</u> Statement of Facts Response to Defendant's Statement of Material Facts Not in Dispute# <u>2</u> Text of Proposed Order Revised Proposed Order)(Ukeiley, Robert) (Entered: 02/12/2007)
02/13/2007	<u>19</u>	NOTICE of Change of Address by Robert Steven Ukeiley (Ukeiley, Robert) (Entered: 02/13/2007)
02/23/2007	<u>20</u>	REPLY to opposition to motion re <u>14</u> Cross MOTION for Partial Summary Judgment <i>as to Remedy</i> filed by STEPHEN L. JOHNSON. (O'Donnell, Jessica) (Entered: 02/23/2007)
03/28/2007	<u>21</u>	Joint MOTION to Stay <i>All Proceedings</i> by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(O'Donnell, Jessica) (Entered: 03/28/2007)
04/02/2007		MINUTE ENTRY ORDER denying as moot <u>11</u> Plaintiffs' Motion for Judgment on the Pleadings; denying as moot <u>14</u> Defendant's Motion for Partial Summary Judgment; and granting <u>21</u> the parties' Joint Motion to Stay. This case shall be stayed until June 4, 2007, to allow the parties an opportunity to resolve Plaintiffs' remaining claim for fees and costs. Signed by Judge Rosemary M. Collyer on 04/02/07. (ebb) (Entered: 04/02/2007)
04/02/2007		Case Stayed (cdw) (Entered: 04/03/2007)
06/04/2007	<u>22</u>	Consent MOTION to Continue Stay of Proceedings by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(O'Donnell, Jessica) (Entered: 06/04/2007)
06/05/2007		MINUTE ENTRY ORDER granting <u>22</u> Defendant's Consent Motion to Continue Stay of Proceedings. It is hereby ORDERED that all proceedings in this action are stayed until 7/13/07. It is FURTHER ORDERED that the parties shall file a Joint Status Report no later than 7/13/07. Signed by Judge Rosemary M. Collyer on 06/05/07. (bcs) (Entered: 06/05/2007)
06/05/2007		Set Deadlines/Hearings: Joint Status Report due by 7/13/2007. (cdw) (Entered: 06/15/2007)
07/13/2007	<u>23</u>	STATUS REPORT <i>on behalf of all parties</i> by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Text of Proposed Order)(O'Donnell, Jessica) (Entered: 07/13/2007)
07/16/2007		MINUTE ENTRY ORDER. Upon consideration of the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that proceedings in this action are stayed until 8/31/07. It is FURTHER ORDERED that the parties shall file a Joint Status Report no later than 8/17/07. Signed by Judge Rosemary M. Collyer on 07/16/07. (lcrmc1) (Entered: 07/16/2007)
07/16/2007		Set Deadlines/Hearings: Joint Status Report due by 8/17/2007. (cdw) (Entered: 07/17/2007)
08/07/2007	<u>24</u>	Unopposed MOTION to Dismiss by ROCKY MOUNTAIN CLEAN AIR ACTION, JEREMY NICHOLS (Attachments: # <u>1</u> Text of Proposed Order)(Ukeiley, Robert) (Entered: 08/07/2007)
08/08/2007	<u>25</u>	ORDER granting <u>24</u> Motion to Dismiss. Signed by Judge Rosemary M. Collyer on August 8, 2007. (cdw) (Entered: 08/09/2007)

W

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PEOPLE OF THE STATE OF
ILLINOIS ex rel. LISA MADIGAN,
Attorney General of the State of Illinois,

Plaintiff,

v.

STEPHEN L. JOHNSON, in his official
capacity as Administrator, United States
Environmental Protection Agency,

Defendant.

Civil Action No. 1:06cv06909

Judge Der-Yeghiayan

CONSENT DECREE

WHEREAS, the People of the State of Illinois ex rel. Lisa Madigan, Attorney General of the State of Illinois, the Plaintiff in the above-captioned matter ("Plaintiff") has submitted, pursuant to section 505(b)(2) of the Clean Air Act, 42 U.S.C. § 7661d(b)(2), an administrative petition to the Administrator of the U.S. Environmental Protection Agency ("EPA"), requesting that he object to Title V operating permits proposed by the Illinois Environmental Protection Agency for five electrical generating stations in the State of Illinois known respectively as the Fisk Generating Station ("Fisk Station"), the Crawford Generating Station ("Crawford Station"), the Joliet Generating Station ("Joliet Station"), the Will County Generating Station ("Will Station"), and the Powerton Generating Station ("Powerton Station");

WHEREAS, the Complaint in this case alleges that EPA has a nondiscretionary duty under Clean Air Act section 505(b)(2) to respond within 60 days after the filing of the petition

2. The Parties agree and acknowledge that before this Decree is entered by the Court, EPA must as expeditiously as possible provide notice of this Decree in the Federal Register and an opportunity for public comment pursuant to Clean Air Act section 113(g), 42 U.S.C. § 7413(g). After this Decree has undergone notice and comment, the Administrator and/or the Attorney General, as appropriate, shall promptly consider any such written comments in determining whether to withdraw or withhold their consent to the Decree, in accordance with section 113(g) of the Clean Air Act. After the Administrator and/or the Attorney General elect whether or not to withdraw or withhold their consent to this Decree, EPA shall provide written notice of that election to the Plaintiff as expeditiously as possible. If the Administrator and/or the Attorney General do not elect to withdraw or withhold their consent, EPA shall promptly file a motion that requests the Court to enter this Decree.

3. Nothing in this Decree shall be construed to limit or modify the discretion accorded EPA by the Clean Air Act and by general principles of administrative law, including the discretion to alter, amend or revise any responses contemplated by this Decree. EPA's obligation to perform the actions specified in Paragraph 1, and the date specified in Paragraph 1, do not constitute a limitation or modification of EPA's discretion within the meaning of this paragraph.

4. Nothing in this Decree shall be construed to confer upon the district court jurisdiction to review any decision, either procedural or substantive, to be made by EPA pursuant to this Decree. Nothing in this Decree shall be construed to confer upon the district court jurisdiction to review any issues that are within the exclusive jurisdiction of the United States Courts of Appeals pursuant to sections 307(b)(1) and 505 of the Clean Air Act, 42 U.S.C. §§ 7607(b)(1), 7661d.

5. The United States shall pay \$7,621 to Plaintiff by electronic funds transfer to the following account:

Matthew R. Oakes
U.S. Department of Justice
Environment & Natural Resources
Division
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986
Phone: (202) 514-2286
Fax: (202) 514-8865

Paul Versace
Office of General Counsel
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 2399A
Washington, DC 20460
Phone: (202) 564-0219
Fax: (202) 564-5603

9. In the event of a dispute between the Parties concerning the interpretation or implementation of any aspect of this Decree, the disputing party shall provide the other party with a written notice outlining the nature of the dispute and requesting informal negotiations. If the Parties cannot reach an agreed-upon resolution within ten (10) business days after receipt of the notice, any party may move the Court to resolve the dispute.

10. Subject to the process set out in Paragraph 9:

(a) this Court shall retain jurisdiction over the above-captioned matter for the purposes of enabling the Parties to apply to the Court for any further orders that may be necessary to construe, implement or enforce compliance with the terms and conditions set forth in this Decree; and

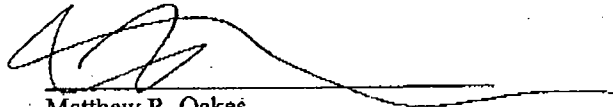
(b) the Court may modify the obligations of this Decree for good cause shown by any party.

11. No motion or other proceeding seeking to enforce this Decree or for contempt of Court shall be properly filed unless the Plaintiff has followed the procedure set forth in Paragraph

COUNSEL FOR DEFENDANT:

June 14,
Dated: April __, 2007

MATTHEW J. MCKEOWN
Acting Assistant Attorney General
Environment & Natural Resources Division



Matthew R. Oakes
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986

Of Counsel for Defendant:
Paul Versace
Office of General Counsel
U.S. Environmental Protection Agency
Ariel Rios Bldg.
1200 Pennsylvania Ave., N.W.
Mail Code: 2399A
Washington, DC 20460

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**CITIZENS AGAINST RUINING THE
ENVIRONMENT,**

Plaintiff,

v.

**STEPHEN L. JOHNSON, in his
official capacity as Administrator,
United States Environmental Protection
Agency,**

Defendant.

Civil Action No. 06-6915

Hon. Blanche M. Manning

Mag. Martin C. Ashman

CONSENT DECREE

WHEREAS, the Complaint in the above-captioned case filed by Plaintiff Citizens Against Ruining the Environment ("CARE") alleges that the Defendant (hereafter "EPA") has a nondiscretionary duty under Clean Air Act section 505(b)(2), 42 U.S.C. § 7661d(b)(2), to respond within 60 days after the filing of an administrative petition regarding two electrical generating stations in the State of Illinois known respectively as the Will County Generating Station ("Will County Station") and the Joliet Generating Station ("Joliet Station"), and that EPA has not done so;

WHEREAS, EPA denies those allegations;

WHEREAS, CARE contends that it is entitled, pursuant to Clean Air Act section 304(d), 42 U.S.C. § 7604(d), to an award of costs of litigation (including reasonable attorneys' fees) with respect to the claims asserted in the Complaint;

WHEREAS, CARE and EPA (collectively the "Parties") wish to effect a settlement of the above-captioned case without expensive and protracted litigation;

WHEREAS, the Parties have agreed to a settlement without admission of any issue of fact or law;

WHEREAS, by entering into this Decree, the Parties do not waive or limit any claim or defense, on any grounds, related to any final EPA action approving, disapproving, and/or modifying, revoking or terminating Title V permits for the Will County Station and Joliet Station;

WHEREAS, the Parties consider this Decree to be an adequate and equitable resolution of the claims in the above-captioned case; and

WHEREAS, the Court, by entering this Decree, finds that the Decree is fair, reasonable, in the public interest, and consistent with the Clean Air Act, 42 U.S.C. §§ 7401-7671q.

NOW THEREFORE, before the taking of testimony, without trial or determination of any issue of fact or law, and upon the consent of the Parties, it is hereby ordered, adjudged and decreed that:

1. EPA shall, within five (5) business days after the entry of this Decree by the Court, sign its response to the administrative petition dated November 23, 2005, regarding the final Title V petitions for the Will County Station and the Joliet Station, that was submitted to EPA by CARE. After EPA signs the response, EPA shall provide written notice to CARE as expeditiously as possible.
2. The Parties agree and acknowledge that before this Decree is entered by the Court, EPA must provide public notice of the proposed settlement in the Federal Register and an opportunity for public comment pursuant to Clean Air Act section 113(g), 42 U.S.C. § 7413(g). After this Decree has undergone notice and comment, the Administrator and/or the Attorney.

General, as appropriate, shall promptly consider any such written comments in determining whether to withdraw or withhold their consent to the Decree, in accordance with section 113(g) of the Clean Air Act. After the Administrator and/or the Attorney General elect whether or not to withdraw or withhold their consent to this Decree, EPA shall provide written notice of that election to CARE as expeditiously as possible. If the Administrator and/or the Attorney General do not elect to withdraw or withhold their consent, the Parties shall promptly file a motion that requests the Court to enter this Decree.

3. Nothing in this Decree shall be construed to limit or modify the discretion accorded EPA by the Clean Air Act and by general principles of administrative law, including the discretion to alter, amend or revise any response contemplated by this Decree. EPA's obligation to perform the actions specified in Paragraphs 1 and 2, and the date specified in Paragraph 1, do not constitute a limitation or modification of EPA's discretion within the meaning of this paragraph.

4. Nothing in this Decree shall be construed to confer upon the district court jurisdiction to review any decision, either procedural or substantive, to be made by EPA pursuant to this Decree. Nothing in this Decree shall be construed to confer upon the district court jurisdiction to review any issues that are within the exclusive jurisdiction of the United States Courts of Appeals pursuant to sections 307(b)(1) and 505 of the Clean Air Act, 42 U.S.C. §§ 7607(b)(1), 7661d.

5. The United States shall pay \$3,075 to CARE by electronic funds transfer to the following account:

Account Name: Chicago Legal Clinic, Inc. IOLTA Client Trust Fund
Institution: Standard Bank & Trust Co.

Routing Number: 071909363
Account Number: 5402544000

6. The Parties recognize and acknowledge that the obligations of the United States under this Decree can only be performed using appropriated funds legally available for such purpose. Nothing in this Decree shall be interpreted or construed as a commitment or requirement that the United States obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable provision of law. In the event that sufficient appropriated funding is not available, the Parties shall attempt to adjust the obligations in Paragraphs 5 and 7 accordingly.

7. CARE agrees that performance of the obligations described in Paragraphs 1 and 6 shall constitute a full and complete settlement of all claims that CARE has asserted or could have asserted under any provision of law in connection with this case, including those for attorneys' fees or other litigation costs. CARE therefore discharges and covenants not to sue the United States, including EPA, for any such claims upon performance of the obligations described in Paragraphs 1 and 5.

8. Any notices required or provided for by this Decree shall be made in writing, via facsimile or other means, and sent to the following:

For CARE:

Keith Harley
Chicago Legal Clinic, Inc.
205 W. Monroe St., 4th Floor
Chicago, IL 60601
Phone: (312) 726-2938
Fax: (312) 726-5206

For Defendant:

Heather E. Gange
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986
Phone: (202) 514-2286
Fax: (202) 514-8865

Paul Versace
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N. W.
Mail Code: 2399A
Washington, DC 20460
Phone: (202) 564-0219
Fax: (202) 564-5603

9. In the event of a dispute between the Parties concerning the interpretation or implementation of any aspect of this Decree, the disputing party shall provide the other party with a written notice outlining the nature of the dispute and requesting informal negotiations. If the Parties cannot reach an agreed-upon resolution within five (5) business days after receipt of the notice, any party may move the Court to resolve the dispute.

10. Subject to the process set out in Paragraph 9:

(a) this Court shall retain jurisdiction over the above-captioned case for the purposes of enabling the Parties to apply to the Court for any further orders that may be necessary to construe, implement or enforce compliance with the terms and conditions set forth in this Decree; and

(b) the Court may modify the obligations of this Decree for good cause shown by any party.

11. No motion or other proceeding seeking to enforce this Decree or for contempt of Court shall be properly filed unless CARE has followed the procedure set forth in Paragraph 9, and provided EPA with written notice received at least five business days before the filing of such motion or proceeding.

12. When EPA's obligations under Paragraph 1 have been completed, and CARE's claim for costs of litigation has been resolved pursuant to the process described in Paragraphs 5 and 7, this Decree shall be terminated, and the above-captioned case shall be dismissed with prejudice. EPA shall file the appropriate notice with the Court so that the Clerk may close the file.

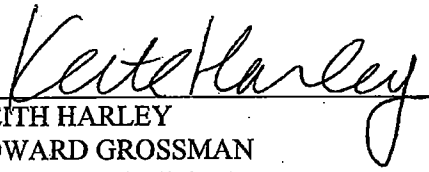
13. The obligations of this Decree and this Court's jurisdiction over the above-captioned case shall terminate upon completion of all requirements of this Decree.

14. The undersigned representatives of each Party certify that they are fully authorized by the Party that they represent to bind that Party to the terms of this Decree.

Case 1:06-cv-06909 Document 25-4 Filed 09/10/2007 Page 8 of 8

COUNSEL FOR PLAINTIFF:


~~Dated: April 18, 2007~~
MAY


KEITH HARLEY
EDWARD GROSSMAN
Chicago Legal Clinic, Inc.
205 W. Monroe St., 4th Floor
Chicago, IL 60601
(312) 726-2938

COUNSEL FOR DEFENDANT:

~~Dated: April 18, 2007~~
June 14

MATTHEW J. MCKEOWN
Acting Assistant Attorney General
Environment & Natural Resources Division


HEATHER E. GANGE
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986
(202) 514-4206

Of Counsel for Defendant:

PAUL VERSACE
Office of General Counsel
U.S. Environmental Protection Agency
Ariel Rios Bldg.
1200 Pennsylvania Ave., N.W.
Mail Code: 2399A
Washington, DC 20460

IT IS SO ORDERED.

Dated _____, 2007

Honorable Blanche M. Manning
U.S. District Court Judge

09/17/07 MON 11:12 FAX 202 616 0013

EDS

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IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF

RESPIRATORY HEALTH ASSOCIATION OF
METROPOLITAN CHICAGO, et al.,

Plaintiffs,

v.

STEPHEN L. JOHNSON, in his
official capacity as Administrator,
United States Environmental Protection
Agency,

Defendant.

Civil Action No. 1:06-cv-06909
Consolidated with
Civil Action No. 06-6933

~~Hon. Ruben Castillo~~ no, my by permission
Judge Der-Yeghayan

CONSENT DECREE

WHEREAS, the Complaint in the above-captioned case filed by Respiratory Health Association of Metropolitan Chicago, Citizens Against Ruining the Environment, Environment Illinois, Environmental Law & Policy Center, Little Village Environmental Justice Organization, and the Sierra Club (collectively "Plaintiffs") alleges that the Defendant (hereafter "EPA") has a nondiscretionary duty under Clean Air Act section 505(b)(2), 42 U.S.C. § 7661d(b)(2), to respond within 60 days after the filing of an administrative petition regarding two electrical generating stations in the State of Illinois known respectively as the Fisk Generating Station ("Fisk Station") and the Crawford Generating Station ("Crawford Station"), and that EPA has not done so;

WHEREAS, EPA denies those allegations;

09/17/07 MON 11:13 FAX 202 616 0013

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County Conservation Alliance, Little Village Environmental Justice Organization and the Sierra Club. After EPA signs the response, EPA shall provide written notice to the Plaintiffs as expeditiously as possible.

2. The Parties agree and acknowledge that before this Decree is entered by the Court, BPA must provide public notice of the proposed settlement in the Federal Register and an opportunity for public comment pursuant to Clean Air Act section 113(g), 42 U.S.C. § 7413(g). After the proposed settlement has undergone notice and comment, the Administrator and/or the Attorney General, as appropriate, shall promptly consider any such written comments in determining whether to withdraw or withhold their consent to the Decree, in accordance with section 113(g) of the Clean Air Act. After the Administrator and/or the Attorney General elect whether or not to withdraw or withhold their consent to this Decree, EPA shall provide written notice of that election to the Plaintiffs as expeditiously as possible. If the Administrator and/or the Attorney General do not elect to withdraw or withhold their consent, the Parties shall promptly file a motion that requests the Court to enter this Decree.

3. Nothing in this Decree shall be construed to limit or modify the discretion accorded EPA by the Clean Air Act and by general principles of administrative law, including the discretion to alter, amend or revise any response contemplated by this Decree. EPA's obligation to perform the actions specified in Paragraphs 1 and 2, and the date specified in Paragraph 1, do not constitute a limitation or modification of EPA's discretion within the meaning of this paragraph.

4. Nothing in this Decree shall be construed to confer upon the district court jurisdiction to review any decision, either procedural or substantive, to be made by EPA pursuant

09/17/07 MON 11:14 FAX 202 618 0013

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8. Any notices required or provided for by this Decree shall be made in writing, via facsimile or other means, and sent to the following:

For Plaintiffs:

Meleah Geertsma
Environmental Law and Policy Center
35 East Wacker Drive
Suite 1300
Chicago, IL 60601
Phone: (312) 673-6500
Fax: (312) 795-3730

For Defendant:

Heather E. Gange
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986
Phone: (202) 514-2286
Fax: (202) 514-8865

Paul Versace
Office of General Counsel
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 2399A
Washington, DC 20460
Phone: (202) 564-0219
Fax: (202) 564-5603

9. In the event of a dispute between the Parties concerning the interpretation or implementation of any aspect of this Decree, the disputing party shall provide the other party with a written notice outlining the nature of the dispute and requesting informal negotiations. If

09/17/07 MON 11:15 FAX 202 616 0013

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14. The obligations of this Decree and this Court's jurisdiction over the above-captioned case shall terminate upon completion of all requirements of this Decree.

15. The undersigned representatives of each Party certify that they are fully authorized by the Party that they represent to bind that Party to the terms of this Decree.

COUNSEL FOR DEFENDANT:

Dated: May __, 2007

MATTHEW J. MCKEOWN

Acting Assistant Attorney General
Environment & Natural Resources Division

HEATHER E. GANGE

U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986

Of Counsel for Defendant:

PAUL VERSACE

Office of General Counsel
U.S. Environmental Protection Agency
Ariel Rios Bldg.
1200 Pennsylvania Ave., N.W.
Mail Code: 2399A
Washington, DC 20460

COUNSEL FOR PLAINTIFF:

Dated: May 18, 2007



FAITH E. BUGEL

MELEAH GEERTSMA

Environmental Law and Policy Center
35 East Wacker Drive
Suite 1300
Chicago, IL 60601
(312) 673-6500

Case: 1:06-cv-06909 As of: 02/27/2009 02:40 PM CST 1 of 2

TERMED, VALDEZ

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 3.2.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:06-cv-06909

People Of The State Of Illinois et al v. Johnson
Assigned to: Honorable Samuel Der-Yeghiayan
Member case: [\(View Member Case\)](#)
Cause: 42:7604 Clear Air Act (Emission Standards)

Date Filed: 12/14/2006
Date Terminated: 09/17/2007
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
12/14/2006	<u>1</u>	COMPLAINT filed by People Of The State Of Illinois, Lisa Madigan.(rp,) (Entered: 12/15/2006)
12/14/2006	<u>2</u>	CIVIL Cover Sheet. (rp,) (Entered: 12/15/2006)
12/14/2006	<u>4</u>	SUMMONS Issued as to Defendant Stephen L Johnson, U.S. Attorney, Attorney General (rp,) Modified on 12/15/2006 (rp,). (Entered: 12/15/2006)
12/19/2006	<u>5</u>	ATTORNEY Appearance for Plaintiff People of The State Of Illinois by Ann Alexander. (vkd,) (Entered: 12/21/2006)
12/19/2006	<u>6</u>	SUMMONS Returned Executed as to Stephen L Johnson served on 12/14/06, answer due 2/12/07. (vkd,) (Entered: 12/22/2006)
01/09/2007	<u>7</u>	DESIGNATION of Kurt N. Lindland as U.S. Attorney for Defendant Stephen L Johnson (Lindland, Kurt) (Entered: 01/09/2007)
01/22/2007	<u>8</u>	MINUTE entry before Judge Samuel Der-Yeghiayan : Initial status hearing set for 02/15/07 at 9:00 a.m. At least four working days before the initial status hearing, the parties shall conduct a FRCP 26(f) conference and file a joint written Initial Status Report, not to exceed five pages in length, and file the Court's Joint Jurisdictional Status Report and deliver courtesy copies to this Court's chambers. The Court's standing orders on the Initial Status Report and Joint Jurisdictional Status Report maybe obtained from Judge Der-Yeghiayan's web page or from this Court's Courtroom Deputy. Mailed notice (mw,) (Entered: 01/22/2007)
02/08/2007	<u>9</u>	REPORT of Rule 26(f) Planning Meeting by Lisa Madigan (Alexander, Ann) (Entered: 02/08/2007)
02/08/2007	<u>10</u>	REPORT of Rule 26(f) Planning Meeting by Lisa Madigan (Alexander, Ann) (Entered: 02/08/2007)
02/13/2007	<u>11</u>	ATTORNEY Appearance for Defendant Stephen L Johnson by Matthew R. Oakes (Oakes, Matthew) (Entered: 02/13/2007)
02/14/2007	<u>12</u>	ANSWER to Complaint by Stephen L Johnson(Oakes, Matthew) (Entered: 02/14/2007)
02/15/2007	<u>13</u>	MINUTE entry before Judge Samuel Der-Yeghiayan : Status hearing held and continued to 03/29/07 at 9:00 a.m. Mailed notice (mw,) (Entered: 02/15/2007)
03/28/2007	<u>14</u>	ATTORNEY Appearance for Plaintiff People Of The State Of Illinois by Matthew Michael Marinelli (Marinelli, Matthew) (Entered: 03/28/2007)
03/29/2007	<u>15</u>	MINUTE entry before Judge Samuel Der-Yeghiayan :Status hearing held and continued to 05/01/07 at 9:00 a.m. Counsel appeared and reported to the Court that they are still attempting to resolve this matter. Mailed notice (mw,) (Entered: 03/29/2007)
05/01/2007	<u>16</u>	MINUTE entry before Judge Samuel Der-Yeghiayan : Status hearing held and continued to 07/25/07 at 9:00 a.m. Counsel appeared and reported to the Court that the parties have reached a settlement in principle. Mailed notice (mw,) (Entered: 05/01/2007)

05/24/2007	<u>17</u>	NOTICE of Motion by Matthew R. Oakes for presentment of before Honorable Samuel Der-Yeghiayan on 5/31/2007 at 09:00 AM. (Oakes, Matthew) (Entered: 05/24/2007)
05/24/2007	<u>18</u>	MOTION by Defendant Stephen L Johnson to consolidate cases (Oakes, Matthew) (Entered: 05/24/2007)
05/31/2007	<u>19</u>	MINUTE entry before Judge Samuel Der-Yeghiayan : Defendant Stephen L Johnson's motion to consolidate cases <u>18</u> is granted. Case numbers 06 C 6933 and 06 C 6915 are hereby consolidated with case number 06 C 6909. Status hearing set for 07/25/07 to stand. Mailed notice (mw,) (Entered: 05/31/2007)
06/18/2007	<u>20</u>	NOTICE by Stephen L Johnson <i>Notice of Lodging</i> (Attachments: # <u>1</u> Exhibit Exhibits A-C, Proposed Consent Decrees)(Oakes, Matthew) (Entered: 06/18/2007)
07/05/2007	<u>21</u>	ATTORNEY Appearance for Plaintiff People Of The State Of Illinois by Paula Becker Wheeler (Wheeler, Paula) (Entered: 07/05/2007)
07/19/2007	<u>22</u>	WITHDRAWING <i>Matthew Marinelli and Ann Alexander</i> as counsel for Plaintiff People Of The State Of Illinois and substituting Matthew Michael Marinelli as counsel of record (Marinelli, Matthew) (Entered: 07/19/2007)
07/25/2007	<u>23</u>	MINUTE entry before Judge Samuel Der-Yeghiayan : Status hearing held and continued to 09/19/07 at 9:00 a.m. Mailed notice (mw,) (Entered: 07/25/2007)
09/10/2007	<u>24</u>	<i>Notice of Joint Motion to Enter CDs</i> NOTICE of Motion by Matthew R. Oakes for presentment of before Honorable Samuel Der-Yeghiayan on 9/18/2007 at 09:00 AM. (Oakes, Matthew) (Entered: 09/10/2007)
09/10/2007	<u>25</u>	MOTION by Defendant Stephen L Johnson Joint Motion to Enter Consent Decrees (Attachments: # <u>1</u> Exhibit Consent Decree with Respiratory Health# <u>2</u> Exhibit Consent Decree with State of Illinois# <u>3</u> Exhibit Consent Decree with CARE)(Oakes, Matthew) (Entered: 09/10/2007)
09/17/2007	<u>26</u>	MINUTE entry before Judge Samuel Der-Yeghiayan: The parties joint motion to enter consent decrees <u>25</u> is granted. All matters having been resolved pursuant to the attached consent decree, the instant action is hereby dismissed. All pending dates and motions are hereby stricken as moot. Civil case terminated. Mailed notice (tlm) (Entered: 09/20/2007)
09/17/2007	<u>27</u>	CONSENT DECREE signed by Judge Samuel Der-Yeghiayan on 9/17/2007: Mailed notice (tlm) (Entered: 09/20/2007)
09/17/2007	<u>28</u>	ENTERED JUDGMENT signed by Michael Wing, Deputy Clerk, on 9/17/2007: Mailed notice (tlm) (Entered: 09/20/2007)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

SIERRA CLUB,

Plaintiff,

v.

THE UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, and STEPHEN L.
JOHNSON, in his official
capacity as Administrator of the United
States Environmental Protection Agency,

Defendants.

No. 1:07 CV 0953 ODE

JOINT STIPULATION OF DISMISSAL AND [PROPOSED] ORDER

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Sierra Club and Defendants the United States Environmental Protection Agency and Stephen L. Johnson in his official capacity as Administrator of the United States Environmental Protection Agency (collectively "EPA" or the "Agency"), hereby stipulate to the dismissal of this case, with prejudice, on the terms set forth below:

1. This lawsuit concerns Sierra Club's May 2005 petition for EPA administrative action under the Clean Air Act and the Administrative Procedure Act, and EPA's alleged failure to act on that petition;

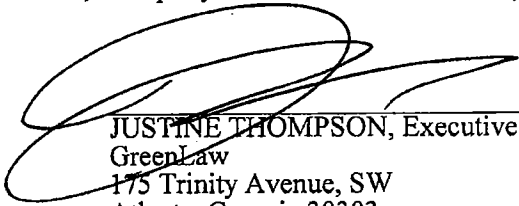
2. EPA has now acted on Sierra Club's petition and the parties wish to conclude these proceedings.

3. In a Settlement Agreement (Ex. "A" hereto), the parties formally agreed, subject to the limitations and conditions set forth therein, to settle all remaining issues in this case without protracted litigation. The Settlement Agreement provides, among other things, that the parties will file a joint stipulation of dismissal of this case, with prejudice, in accordance with Federal Rule of Civil Procedure 41(a)(1).

4. As provided in the Settlement Agreement, EPA will pay to Plaintiff as full settlement

1 of all claims for attorneys' fees and costs of litigation (including but not limited to any fees and costs
2 incurred by Plaintiff prior to the filing of this action) the sum of \$7,843 within a reasonable time
3 (120 days) after this Joint Stipulation of Dismissal is filed with the Court and this case is dismissed,
4 with prejudice, pursuant thereto; otherwise, each party shall bear its own attorneys' fees and costs.

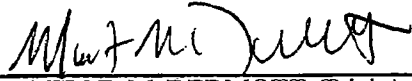
5
6 Dated: September 14, 2007


JUSTINE THOMPSON, Executive Director
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175 Trinity Avenue, SW
Atlanta, Georgia 30303
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jthompson@green-law.org

Attorney for Plaintiff

11
12 RONALD J. TENPAS
13 Acting Assistant Attorney General

14
15 Dated: September 14, 2007


MARTIN F. McDERMOTT, Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Environmental Defense Section
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Washington, DC 20026-3986
(202) 514-4122 (tel)
martin.mcdermott@usdoj.gov

Attorney for Defendants

20
21 -----
22 **[PROPOSED] ORDER**

23 Pursuant to the foregoing Joint Stipulation of Dismissal, IT IS HEREBY ORDERED that this
24 case is dismissed, with prejudice.

25 Dated: _____
26 UNITED STATES DISTRICT JUDGE

27
28 STIPULATION OF DISMISSAL/ORDER (CASE NO.: C 06-5641) -2-

4months, CLOSED

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:07-cv-00953-ODE**

Sierra Club v. The United States Environmental Protection
Agency et al
Assigned to: Judge Orinda D. Evans
Cause: 42:7604 Citizen suit to enforce Clean Air Act

Date Filed: 04/30/2007
Date Terminated: 09/27/2007
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
04/30/2007	<u>1</u>	COMPLAINT filed by Sierra Club; and Summons issued. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Filing fee \$ 350.00 receipt number 564337.) (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit B-1# <u>4</u> Exhibit B-2# <u>5</u> Exhibit B-3# <u>6</u> Exhibit B-4# <u>7</u> Exhibit B-5# <u>8</u> Exhibit B-6# <u>9</u> Exhibit C# <u>10</u> Summons)(epm) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Additional attachment(s) added on 5/1/2007 (epm). Modified text on 5/1/2007 (epm). (Entered: 05/01/2007)
07/03/2007	<u>2</u>	ANSWER to Complaint by The United States Environmental Protection Agency, Stephen Johnson.Discovery ends on 11/30/2007.(McDermott, Martin) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 07/03/2007)
07/23/2007	<u>3</u>	MOTION for Summary Judgment with Brief In Support by Sierra Club. (Attachments: # <u>1</u> Statement of Material Facts # <u>2</u> Brief # <u>3</u> Supplement Certificate of Service)(Thompson, Justine) —Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website. — (Entered: 07/23/2007)
08/02/2007	<u>4</u>	WITHDRAWAL of <u>3</u> MOTION for Summary Judgment by Sierra Club (Thompson, Justine) Modified on 8/2/2007 to correct docket text to accurately reflect e-filed pleading (fmm). (Entered: 08/02/2007)
08/02/2007	<u>5</u>	First Certificate of Interested Persons by Sierra Club. (Thompson, Justine) (Entered: 08/02/2007)
09/06/2007	<u>6</u>	NOTICE of Appearance by Robert David Powell on behalf of all defendants (Powell, Robert) (Entered: 09/06/2007)
09/21/2007	<u>7</u>	SETTLEMENT AGREEMENT <i>Joint Stipulation of Dismissal and Proposed Order</i> by Sierra Club. (Thompson, Justine) (Entered: 09/21/2007)
09/27/2007	<u>8</u>	Order APPROVING the <u>7</u> Joint Stipulation of Dismissal, with prejudice, according to the terms of the settlment agreement. Signed by Judge Orinda D. Evans on 9/27/07. (clk) (Entered: 09/28/2007)
09/27/2007		Civil Case Terminated. (clk) (Entered: 09/28/2007)

SETTLEMENT AGREEMENT
(COSTS OF LITIGATION)

WHEREAS, plaintiff Sierra Club filed Civil Action No. 1:01CV01537 (D.D.C.) (and consolidated cases Nos. 1:01CV01548; 1:01CV01558; 1:01CV01569; 1:01CV01578; 1:01CV01582; 1:01CV01597) against the defendant, Stephen L. Johnson, Administrator, United States Environmental Protection Agency ("Administrator" or "EPA");

WHEREAS, Sierra Club's complaints allege that EPA failed to perform mandatory duties to promulgate certain regulations pursuant to specific provisions of the Clean Air Act ("CAA") by the statutory deadlines;

WHEREAS, the Court has entered a consent decree resolving certain claims in this matter and has entered judgment in favor of Sierra Club on the remaining claims;

WHEREAS, the parties wish to settle plaintiff's claim pursuant to section 304(d) of the CAA, 42 U.S.C. § 7604(d), for costs of litigation, including reasonable attorney's fees, in order to avoid unnecessary litigation and without any admission of fact or law;

NOW, it is therefore agreed:

1. The United States shall pay \$190,000 to Sierra Club's counsel by electronic funds transfer to the following account:

Bank Name: The Mechanics Bank

Bank Address: P.O. Box 1786 Richmond, CA 94802-0786

Bank Telephone #: 1-800-797-6324

Name of Account: Earthjustice Attorney Client Trust Fund

Type of Account: Checking

Account #: 040882578

Routing #: 121102036

Federal Taxpayer Identification # 94-1730465

Undersigned counsel for EPA agrees to forward a request for payment to the Treasury within 3

business days following full execution of this Settlement Agreement.

2. Any obligations of the United States to obligate or expend funds under this Settlement Agreement are subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Settlement Agreement shall not be construed to require the United States to obligate or pay funds in contravention of said Anti-Deficiency Act, 31 U.S.C. § 1341.

3. Sierra Club agrees that payment pursuant to Paragraph 1 will constitute full and final payment of fees and costs incurred by Sierra Club in connection with this matter prior to November 16, 2006. Upon timely payment as provided in paragraph '4', Sierra Club releases the United States, including EPA, from any claims regarding such fees and costs.

4. Not later than ten days after execution of this agreement, the parties agree to file a joint motion in this matter notifying the Court that they have reached a settlement on the issue of fees and costs and asking the Court to amend the consent decree to extend the time for petitioners' fee and cost motion to March 5, 2008, to facilitate effectuation of the Settlement Agreement. If the United States makes the payment specified in paragraph "1" by December 31, 2007, or if Sierra Club accepts payment after that date, then Sierra Club agrees to promptly file a notice with the Court stating that the Settlement Agreement has been satisfied and that plaintiffs will not petition the Court for an award of fees and costs. If the United States fails to make the payment specified in paragraph "1" by December 31, 2007, and Sierra Club does not accept payment after that date, then Sierra Club may make application to the Court for an award of costs and attorneys' fees (and for costs and fees incurred in seeking such an award), which shall be Sierra Club's sole remedy for failure of the United States to make timely payment under this

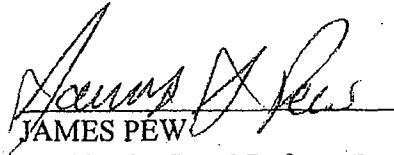
Settlement Agreement. The parties agree that in litigation over such fee application, they will not disclose to the Court the amount agreed upon in paragraph 1.

5. The undersigned representatives of each party certify that they are fully authorized by the party or parties they represent to enter into this Settlement Agreement.

SO AGREED:

FOR PLAINTIFF

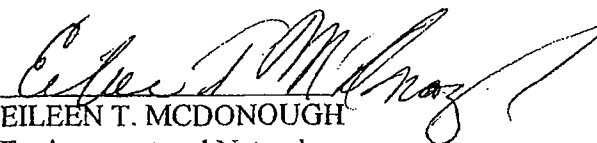
Date: 10/4/07


JAMES PEW
Earthjustice Legal Defense Fund
1625 Massachusetts Ave., N.W.
Suite 702
Washington, D.C. 20036-2212
(202) 667-4500

FOR DEFENDANT

Date: 10/4/07

RONALD J. TENPAS
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Environment and Natural
Resources Division


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Environmental Defense Section
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APPEAL, CONSOL, MAGset, TYPE-C

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:01-cv-01537-PLF**

SIERRA CLUB v. JACKSON
Assigned to: Judge Paul L. Friedman
Demand: \$0
Case in other court: 06-05224
Cause: 42:7604 Clear Air Act (Emission Standards)

Date Filed: 07/16/2001
Date Terminated: 03/31/2006
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
07/16/2001	1	COMPLAINT filed by plaintiff SIERRA CLUB; attachment (1) (bm) (Entered: 07/17/2001)
07/16/2001		SUMMONS (3) issued to federal party federal defendant CHRISTINE T. WHITMAN , and non-parties: U.S. Attorney and U.S. Attorney General. (bm) (Entered: 07/17/2001)
07/16/2001	2	NOTIFICATION OF RELATED CASE: Case related to Case No(s): CA 93-125; CA 95-627 and CA 98-1610 (bm) (Entered: 07/17/2001)
07/16/2001	3	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by plaintiff SIERRA CLUB (l) (Entered: 07/17/2001)
09/12/2001	4	MOTION (CONSENT) filed by federal defendant CHRISTINE T. WHITMAN to extend time to 11/16/01 to ans complaint [1-1] (cdw) (Entered: 09/13/2001)
09/18/2001	5	ORDER by Judge Paul L. Friedman : granting motion to extend time to 11/16/01 to answer complaint [1-1] [4-1] CHRISTINE T. WHITMAN ; Answer extended to 11/16/01 for CHRISTINE T. WHITMAN (N) (dam) (Entered: 09/18/2001)
10/26/2001	6	MOTION filed for ASSOC OF METRO SEWER to intervene ; EXHIBIT (ANSWER, RULE 26.1 STATEMEN (cdw) (Entered: 10/30/2001)
11/07/2001	7	MOTION filed by federal defendant CHRISTINE T. WHITMAN to extend time to 01/31/02 to answer complain [1-1] (dam) (Entered: 11/13/2001)
11/13/2001	8	MOTION filed for ALLIANCE AUTO MAN to intervene ; declarations (1); EXHIBIT (ANSWER, R109certific (cdw) (Entered: 11/15/2001)
11/16/2001		CASE REASSIGNED to Judge Paul L. Friedman (bm) (Entered: 11/26/2001)
11/30/2001	9	MOTION filed for COALITION CLEAN AIR, AMERICAN CHEMISTRY to intervene as defendants ; Attachm (1); EXHIBITS (ANSWER & RULE 26.1) (nmr) (Entered: 12/03/2001)
12/03/2001	10	MOTION filed by movant NATL PAINT/COATINGS to intervene as party defendant ; EXHIBIT (ANSWER ar RULE 26.1) (bm) (Entered: 12/04/2001)
12/06/2001	11	ANSWER TO COMPLAINT [1-1] by intervenor-defendant ASSOC OF METRO SEWER. (nmr) (Entered: 12/11/2001)
12/06/2001	12	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant ASS OF METRO SEWER (nmr) (Entered: 12/11/2001)
12/21/2001	13	ORDER by Judge Paul L. Friedman : granting in part, denying in part motion to intervene as party defendant [10] NATIONAL PAINT AND COATINGS ASSN; denying pursuant to Rule 24(a)(2) of FRCP and granting pursuar Rule 24(b)(2) of FRCP; granting in part, denying in part motion for COALITION CLEAN AIR, AMERICAN CHEMISTRY to intervene as defendants [9-1] denying pursuant to Rule 24(a)(2) of FRCP and granting pursuan Rule 24(b)(2) of FRCP (N) (bm) (Entered: 12/21/2001)
12/21/2001	36	ANSWER TO COMPLAINT [1-1] by intervenor-defendant NATL PAINT/COATINGS . (td) (Entered: 07/31/2002)
12/21/2001	37	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant NAT PAINT/COATINGS (td) (Entered: 07/31/2002)

01/11/2002	14	MOTION filed by movant COALITION CLEAN AIR, movant AMERICAN CHEMISTRY for Coalition Clean Air Implementation and American Chemistry Council to intervene ; EXHIBITS (Answer and Rule 26.1 certificate) (td) (Entered: 01/14/2002)
01/23/2002	<u>15</u>	ORDER by Judge Paul L. Friedman : granting motion to extend time to 01/31/02 to answer complaint [1-1] [7-1] CHRISTINE T. WHITMAN; Answer extended to 1/31/02 for CHRISTINE T. WHITMAN (N) (bm) (Entered: 01/23/2002)
01/23/2002	<u>16</u>	ORDER by Judge Paul L. Friedman : granting in part, denying in part motion for ALLIANCE OF AUTOMOBILE MANUFACTURES to intervene [8-1]; denying pursuant to Rule 24(a)(2) of the FRCP and granting pursuant to 24(b)(2) of the FRCP (N) (bm) (Entered: 01/23/2002)
01/23/2002	<u>17</u>	ORDER by Judge Paul L. Friedman : granting motion for ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES to intervene [6-1] pursuant to Rule 24(b)(2) of the FRCP (N) (bm) (Entered: 01/23/2002)
01/23/2002	18	ANSWER TO COMPLAINT [1-1] by intervenor-defendant ALLIANCE AUTO MAN . (td) (Entered: 01/25/2002)
01/23/2002	19	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant ALLIANCE AUTO MAN (td) (Entered: 01/25/2002)
01/23/2002	20	ANSWER TO COMPLAINT [1-1] by intervenor-defendant ASSOC OF METRO SEWER . (td) (Entered: 01/25/2002)
01/23/2002	21	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant ASSOC OF METRO SEWER (td) (Entered: 01/25/2002)
01/29/2002	<u>22</u>	ORDER by Judge Paul L. Friedman : granting motion by defendant extending time to 3/29/02 to answer complaint [1-1]; Answer extended to for CHRISTINE T. WHITMAN . (N) (bm) (Entered: 01/29/2002)
03/06/2002	27	MOTION filed for HALOGENATED SOLVENTS to intervene as a defendant ; EXHIBITS (answer and 109 certificate) (td) (Entered: 04/04/2002)
03/25/2002	<u>23</u>	ORDER by Judge Paul L. Friedman: directing the Clerk's Office not accept for filing Hal Quinn's entry of appearance; the Court will consider an appropriate motion in conformance with the Rules of this Court if and when one is filed. (N) (bm) (Entered: 03/25/2002)
03/27/2002	24	MOTION (CONSENT) filed by federal defendant CHRISTINE T. WHITMAN to extend time to May 31, 2002 to answer complaint [1-1] to provide time for settlement discussions (jf) (Entered: 03/28/2002)
03/28/2002	26	ATTORNEY APPEARANCE for movant COALITION CLEAN AIR by Jeffrey A. Knight, Harold Patrick Quinn Jr., William F. Pedersen Jr. (jf) (Entered: 04/03/2002)
04/02/2002	<u>25</u>	ORDER by Judge William B. Bryant : granting motion to extend time to 5/31/02 to answer complaint [1-1] to provide time for settlement discussions [24-1] by CHRISTINE T. WHITMAN; Answer extended to 5/31/02 for CHRISTINE T. WHITMAN (N) (bm) (Entered: 04/02/2002)
04/29/2002	<u>28</u>	ORDER by Judge Paul L. Friedman : denying without prejudice motion for HALOGENATED SOLVENTS to intervene as a defendant pursuant to Rule 24(a)(2) of the FRCP [27-1]; if movant complies with the applicable FRCP, it may refile its motion for intervention under Rule 24(a)(2) and (b)(2) of the FRCP (N) (bm) (Entered: 04/29/2002)
04/29/2002	34	ANSWER TO COMPLAINT [1-1] by intervenor-defendant HALOGENATED SOLVENTS . (td) (Entered: 07/31/2002)
04/29/2002	35	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant HALOGENATED SOLVENTS (td) (Entered: 07/31/2002)
04/30/2002	29	MOTION filed by movant HALOGENATED SOLVENTS to intervene as a defendant ; EXHIBIT (Rule 109) (td) (Entered: 05/02/2002)
05/30/2002	31	JOINT MOTION by plaintiff SIERRA CLUB, federal defendant CHRISTINE T. WHITMAN to consolidate cases and to stay to prepare consent decree and case management schedule. (td) (Entered: 06/06/2002)
06/03/2002	<u>30</u>	ORDER by Judge Paul L. Friedman: granting motion to consolidate and motion for stay; staying this case pending the Court's decision on the consolidation motion (N) (bm) (Entered: 06/03/2002)
06/20/2002		REMARK: ALL DOCKET ENTRIES AS OF THIS DATE WILL BE FOUND IN THE LEAD CASE (bm) (Entered: 06/24/2002)
06/20/2002	32	ORDER by Judge Paul L. Friedman : granting motion to consolidate cases 01-1537 [23-1] by CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01578, granting motion to consolidate cases with 01-1537 [21-1] by Desert Rock Energy Co., LLC v. EPA

		CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01578, granting joint motion to consolidate case with 01cv1537 [11-1] by CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01582, granting joint motion to consolidate cases [12-1] by CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01582, granting joint motion to consolidate case with 01cv1537 [17-1] by CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01597, granting joint motion to stay proceedings in this case pending the courts decision [17-2] by CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01597; consolidating CA 01-1548, 01-1558, 01-1569, 01-1578, 01-1582, and 01-1597 with 01-1537; staying the consolidated for sixty days, until 7/29/02. (N) (bm) Modified 06/24/2002 (Entered: 06/24/2002)
06/21/2002		CASE REASSIGNED to Judge Paul L. Friedman (td) (Entered: 06/26/2002)
06/21/2002		CASE REASSIGNED to Judge Paul L. Friedman (td) (Entered: 06/26/2002)
07/31/2002	<u>33</u>	ORDER by Judge Paul L. Friedman: granting joint motion staying case until 9/30/02 (N) (bm) (Entered: 07/31/2002)
09/30/2002	38	JOINT MOTION by plaintiff SIERRA CLUB in 1:01-cv-01537, federal defendant CHRISTINE T. WHITMAN 1:01-cv-01537 for further stay to complete consent decree and prepare proposed case management schedule. (td) (Entered: 10/01/2002)
10/03/2002	<u>39</u>	ORDER by Judge Paul L. Friedman : granting joint motion for further stay of consolidated cases until 10/30/02 [38-1] by CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01537 (N) (bm) (Entered: 10/03/2002)
10/30/2002	41	JOINT MOTION by plaintiff SIERRA CLUB in 1:01-cv-01537, federal defendant CHRISTINE T. WHITMAN 1:01-cv-01537 for further stay to complete consent decree and prepare proposed case management schedule. (td) (Entered: 11/05/2002)
11/04/2002	<u>40</u>	ORDER by Judge Paul L. Friedman: granting joint motion for further stay; staying consolidated cases until 12/6/02 (N) (bm) (Entered: 11/04/2002)
12/04/2002	42	JOINT MOTION by plaintiff SIERRA CLUB in 1:01-cv-01537, federal defendant CHRISTINE T. WHITMAN 1:01-cv-01537 for further stay , and and referral to Magistrate to conduct mediation (cdw) (Entered: 12/06/2002)
12/09/2002	<u>43</u>	ORDER by Judge Paul L. Friedman : granting joint motion for further stay [42-1] by CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01537; granting joint motion and referral to Magistrate to conduct mediation [42-2] by CHRISTINE T. WHITMAN, SIERRA CLUB in 1:01-cv-01537; referring settlement discussions to Magistrate Judge Facciola ; at the conclusions of those settlement discussions, the parties shall provide the Court with a report on the status of the case, and if the case is not settled, a proposed case management order to govern further proceedings. (N) (bm) (Entered: 12/09/2002)
12/09/2002		CASE REFERRED to Magistrate Judge John M. Facciola for settlement discussions (cp) (Entered: 12/13/2002)
12/26/2002		SCHEDULING NOTICE: settlement conference set 10:00 2/5/03 in 1:01-cv-01537, in 1:01-cv-01548, in 1:01-cv-01558, in 1:01-cv-01569, in 1:01-cv-01578, in 1:01-cv-01582, in 1:01-cv-01597 ; before Magistrate Judge John M. Facciola Chambers, room 1426, First Floor. (ldc) (Entered: 12/26/2002)
03/21/2003	44	NOTICE by federal defendant CHRISTINE T. WHITMAN in 1:01-cv-01537 of lodging of proposed partial consent decree pending solicitation of public comment by U.S. Environmental Protection Agency (bm) (Entered: 03/31/2003)
05/19/2003	46	JOINT MOTION by plaintiff SIERRA CLUB in 1:01-cv-01537, federal defendant CHRISTINE T. WHITMAN 1:01-cv-01537 to enter revised partial consent decree. (td) (Entered: 05/26/2003)
05/22/2003	<u>45</u>	REVISED PARTIAL CONSENT DECREE by plaintiff SIERRA CLUB and federal defendant CHRISTINE T. WHITMAN in 1:01-cv-01537, plaintiff SIERRA CLUB and federal defendant CHRISTINE T. WHITMAN in 1:01-cv-01548, plaintiff SIERRA CLUB and federal defendant CHRISTINE T. WHITMAN in 1:01-cv-01558, plaintiff SIERRA CLUB and federal defendant CHRISTINE T. WHITMAN in 1:01-cv-01569, plaintiff SIERRA CLUB and federal defendant CHRISTINE T. WHITMAN in 1:01-cv-01578, plaintiff SIERRA CLUB and federal defendant CHRISTINE T. WHITMAN in 1:01-cv-01582, plaintiff SIERRA CLUB and federal defendant CHRISTINE T. WHITMAN in 1:01-cv-01597 (bm) Modified on 6/9/2004 (rje,). (Entered: 05/22/2003)
11/25/2003	<u>47</u>	Joint MOTION to Consolidate Cases 03-2408 by SIERRA CLUB. Associated Cases: 1:01-cv-01537-PLF-JMF, 1:01-cv-01548-PLF, 1:01-cv-01558-PLF, 1:01-cv-01569-PLF, 1:01-cv-01578-PLF, 1:01-cv-01582-PLF, 1:01-cv-01597-PLF(Pew, James) (Entered: 11/25/2003)
12/05/2003		MINUTE ORDER granting <u>47</u> joint motion to consolidate. Signed by Judge Paul L. Friedman on December 5, 2003. Associated Cases: 1:01-cv-01537-PLF-JMF, 1:01-cv-01548-PLF, 1:01-cv-01558-PLF, 1:01-cv-01569-PLF, 1:01-cv-01578-PLF, 1:01-cv-01582-PLF, 1:01-cv-01597-PLF(ma) (Entered: 12/05/2003)

05/07/2004		Set/Reset Hearings: A settlement conference has been set for 6/8/2004 at 10:00 a.m. in the chambers of Magistra Judge John M. Facciola. Associated Cases: 1:01-cv-01537-PLF-JMF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(lcjfl,) (Entered: 05/07/2004)
06/08/2004		Set/Reset Hearings: A Settlement Conference has been set for 8/23/2004 at 10:00 AM in Chambers before Magis Judge John M. Facciola. Associated Cases: 1:01-cv-01537-PLF-JMF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF, 1:01-cv-01597-PLF(lcjfl,) Modified on 6/9/2004 (rje,). (Entered: 06/08/2004)
09/27/2004		NOTICE OF HEARING: Status Conference set for 10/8/2004 10:00 AM in Courtroom 17 before Judge Paul L. Friedman. Associated Cases: 1:01-cv-01537-PLF-JMF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(bm) (Entered: 09/27/2004)
10/08/2004		Minute Entry for proceedings held before Judge Paul L. Friedman : Status Conference held on 10/8/2004. Parties file a joint briefing schedule by 11/10/2004. (Court Reporter Lisa Griffith.) Associated Cases: 1:01-cv-01537-PLF-JMF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(bm) (Entered: 10/08/2004)
11/10/2004	<u>48</u>	Joint MOTION for Order <i>Entering Case Management Order</i> by MICHAEL O. LEAVITT. Associated Cases: 1:01-cv-01537-PLF-JMF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Jordan, Scott) (Entered: 11/10/2004)
11/17/2004		MINUTE ORDER granting <u>48</u> parties' joint motion for case management order. Signed by Judge Paul L. Friedman on November 17, 2004. Associated Cases: 1:01-cv-01537-PLF-JMF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(ma) (Entered: 11/17/2004)
01/28/2005	<u>49</u>	ENTERED IN ERROR. . . NEW DOCUMENT NO. IS 50. . . STATUS REPORT <i>AND JOINT MOTION FOR FURTHER CASE MANAGEMENT ORDER</i> by MICHAEL O. LEAVITT. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Jordan, Scott) Modified on 1/31/2005 (td,). (Entered: 01/28/2005)
01/28/2005	<u>50</u>	STATUS REPORT <i>AND JOINT MOTION FOR FURTHER CASE MANAGEMENT ORDER (CORRECTED VERSION)</i> by MICHAEL O. LEAVITT. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Jordan, Scott) (Entered: 01/28/2005)
01/31/2005		MINUTE ORDER granting joint motion for further case management order (corrected version). Parties shall hav additional 30 days for their discussions and shall provide the Court with a further status report concerning the part discussions anda proposed order for further proceedings on or before February 28, 2005. Signed by Judge Paul L. Friedman on January 31, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(ma,) (Entered: 01/31/2005)
02/28/2005	<u>51</u>	STATUS REPORT <i>and Motion for Further Case Management Order</i> by SIERRA CLUB. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) (Entered: 02/28/2005)
03/03/2005	<u>52</u>	ORDER: ORDER GRANTING JOINT MOTION FOR FURTHER CASE MANAGEMENT ORDER . Signed b Chief Judge Thomas F. Hogan for Judge Paul L. Friedman on 3/3/04. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(hs,) (Entered: 03/03/2005)
03/21/2005	<u>53</u>	STATUS REPORT (<i>Joint</i>) <i>and Motion for Briefing Schedule & Oral Argument</i> by SIERRA CLUB. (Attachments: <u>1</u> Text of Proposed Order Joint Motion for Briefing Schedule & Oral Argument) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) (Entered: 03/21/2005)
03/21/2005	<u>54</u>	ENTERED IN ERROR.....NOTICE of Filing a Certificate of Service for the Joint Status Report and Motion for Briefing Schedule & Oral Argument by SIERRA CLUB re <u>53</u> Status Report, Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) Modified on 3/22/2005 (nmw,). (Entered: 03/21/2005)
03/21/2005	<u>55</u>	MOTION for Briefing Schedule and Oral Argument by SIERRA CLUB. (Attachments: # <u>1</u> Text of Proposed Order <u>2</u> Certificate of Service) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,

		1:01-cv-01582-PLF,1:01-cv-01597-PLF(nmw,) (Entered: 03/22/2005)
03/22/2005		NOTICE OF CORRECTED DOCKET ENTRY: Document No. 54 was entered in error and has been refiled as p of Document No. 55. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(nmw,) (Entered: 03/22/2005)
03/22/2005		ORDER granting <u>55</u> joint status motion for briefing schedule and oral argument. Opening brief of Sierra Club is due on or before April 27, 2005; opening brief of EPA is due on or before May 27, 2005; intervenors' brief, if any, is due on or before June 17, 2005; opposition brief of Sierra Club is due on or before July 15, 2005; reply brief of EPA, if any, is due on or before August 4, 2005; reply brief of Sierra Club, if any, is due on or before August 18, 2005; oral argument shall be held on September 12, 2005 at 9:30 a.m. Signed by Judge Paul L. Friedman on March 22, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA,) (Entered: 03/22/2005)
03/30/2005	<u>56</u>	MOTION for Extension of Time to <i>meet June 14, 2005 Consent Decree Deadline by Three Months and for Expedited Consideration</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Affidavit of James Berlow) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Jordan, Scott) (Entered: 03/30/2005)
04/01/2005		ORDER granting <u>56</u> EPA's unopposed motion for three-month extension up to and including September 14, 2005 June 14, 2005 consent decree deadline and for expedited consideration. Signed by Judge Paul L. Friedman on April 1, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA) (Entered: 04/01/2005)
04/25/2005	<u>57</u>	Joint MOTION for Extension of Time to <i>Briefing Schedule</i> by MICHAEL O. LEAVITT. (Attachments: # <u>1</u> Text Proposed Order) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 04/25/2005)
04/25/2005	<u>58</u>	NOTICE OF SUBSTITUTION OF COUNSEL by MICHAEL O. LEAVITT Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 04/25/2005)
04/25/2005	<u>59</u>	NOTICE OF SUBSTITUTION OF PARTY by MICHAEL O. LEAVITT Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 04/25/2005)
04/26/2005		MINUTE ORDER granting <u>57</u> joint status report and motion to modify briefing schedule. Opening brief of Sierra Club is due on or before April 27, 2005; the opening brief of EPA is due on or before May 27, 2005; the intervenors' brief is due on or before June 17, 2005; the opposition brief of Sierra Club is due on or before August 1, 2005; the reply brief of EPA is due on or before August 15, 2005; and the reply brief of Sierra Club is due on or before August 25, 2005. Signed by Judge Paul L. Friedman on April 26, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA) (Entered: 04/26/2005)
04/27/2005		AMENDED MINUTE ORDER granting <u>57</u> joint status report and motion to modify briefing schedule. The opening brief of Sierra Club is due on or before May 11, 2005; the opening brief of EPA is due on or before June 10, 2005; the intervenors' brief, if any, is due on or before July 1, 2005; the opposition brief of Sierra Club is due on or before August 1, 2005; the reply brief of EPA, if any, is due on or before August 15, 2005; and the reply brief of Sierra Club, if any, is due on or before August 25, 2005. Signed by Judge Paul L. Friedman on April 26, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA) (Entered: 04/27/2005)
05/11/2005	<u>60</u>	ENTERED IN ERROR. . . MOTION for Summary Judgment by SIERRA CLUB. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) Modified on 5/12/2005 (td,). (Entered: 05/11/2005)
05/11/2005	<u>61</u>	ENTERED IN ERROR. . . MOTION for Summary Judgment <i>Exhibits and Declarations</i> by SIERRA CLUB. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) Modified on 5/12/2005 (td,). (Entered: 05/11/2005)

05/11/2005	<u>62</u>	ENTERED IN ERROR. . . MOTION for Summary Judgment <i>Proposed Order</i> by SIERRA CLUB. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) Modified on 5/12/2005 (td,). (Entered: 05/11/2005)
05/12/2005		NOTICE OF CORRECTED DOCKET ENTRY: Document numbers 60, 61 and 62 were entered in error and cou was instructed to refile said pleading as one document. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(td,) (Entered: 05/12/2005)
05/12/2005	<u>63</u>	MOTION for Summary Judgment by SIERRA CLUB. (Attachments: # <u>1</u> Exhibits# <u>2</u> Text of Proposed Order)Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(nmw,) (Entered: 05/13/2005)
06/01/2005	<u>64</u>	NOTICE OF COUNSEL'S FIRM NAME CHANGE by COALITION FOR CLEAN AIR IMPLEMENTATION, AMERICAN CHEMISTRY COUNCIL Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Knight, Jeffrey) (Entered: 06/01/2005)
06/10/2005	<u>65</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>63</u> MOTION for Summary Judgment l STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 06/10/2005)
06/13/2005	<u>66</u>	ENTERED IN ERROR. . . ENTERED TWICE. . . Cross MOTION for Summary Judgment <i>on Remedy</i> by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Memorandum In Support of Crossmotion for Summary Judgment a Opposition to Plaintiff's Motion for Summary Judgment# <u>2</u> Exhibit Revised Partial Consent Decree# <u>3</u> Exhibit Declaration of Steve Page# <u>4</u> Exhibit Conference Report# <u>5</u> Text of Proposed Order)Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) Modified on 6/14/2005 (td,). (Entered: 06/13/2005)
06/13/2005	<u>67</u>	Cross MOTION for Summary Judgment <i>on Remedy</i> by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Memorand in Support of Crossmotion on Remedy and In Opposition to Plaintiff's Motion for Summary Judgment# <u>2</u> Exhibit Revised Partial Consent Decree# <u>3</u> Exhibit Declaration of Steve Page# <u>4</u> Exhibit Conference Report# <u>5</u> Text of Proposed Order)Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 06/13/2005)
06/14/2005		NOTICE OF CORRECTED DOCKET ENTRY: Counsel has been notified to do an electronic entry of oppositio which is attached to document <u>67</u> Cross MOTION for Summary Judgment <i>on Remedy</i> Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(td,) (Entered: 06/14/2005)
06/14/2005		MINUTE ORDER granting <u>65</u> defendant's unopposed motion for enlargement of time up to and including June 1 2005 to file its cross-motion for summary judgment and opposition to plaintiff's motion for summary judgment. Signed by Judge Paul L. Friedman on June 14, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA) (Entered: 06/14/2005)
06/14/2005	<u>68</u>	Memorandum in opposition to motion re <u>63</u> reference to memorandum and exhibits filed in support of EPA's cross-motion for summary judgment (Docket 67) filed by STEPHEN L. JOHNSON. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 06/14/2005)
06/28/2005	<u>69</u>	Unopposed MOTION for Leave to File <i>Out of Time the Statement of Material Facts Not in Dispute in Support of Cross-motion for Summary Judgment and Response to Plaintiff's Statement of Material Facts Not in Dispute</i> by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Exhibit EPA's Statement of Material Facts Not In Dispute# <u>2</u> Exhib EPA's Response to Plaintiff's Statement of Material Facts Not In Dispute# <u>3</u> Text of Proposed Order)Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 06/28/2005)
06/30/2005		MINUTE ORDER granting <u>69</u> defendant's unopposed motion for leave to file out of time the statement of materi facts not in dispute in support of cross-motion for summary judgment and the response to plaintiff's statement of material facts not in dispute. Signed by Judge Paul L. Friedman on June 30, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF, Desert Rock Energy Co., LLC v. EPA,

		1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA) (Entered: 06/30/2005)
07/30/2005	<u>70</u>	MOTION to Strike <u>67</u> Cross MOTION for Summary Judgment on <i>Remedy Motion to Strike Portions of the Declaration of Steve Page</i> by SIERRA CLUB. (Attachments: # <u>1</u> Text of Proposed Order) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) (Entered: 07/30/2005)
08/01/2005	<u>71</u>	Memorandum in opposition to motion re <u>67</u> filed by SIERRA CLUB. (Attachments: # <u>1</u> Exhibit One# <u>2</u> Exhibit Two# <u>3</u> Exhibit Three# <u>4</u> Statement of Facts # <u>5</u> Text of Proposed Order) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) (Entered: 08/01/2005)
08/10/2005		MINUTE ORDER that the motions hearing formerly scheduled for September 12, 2005 at 9:30 a.m. is now postponed to November 22, 2005 at 2:00 p.m. Signed by Judge Paul L. Friedman on August 10, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA) (Entered: 08/10/2005)
08/15/2005	<u>72</u>	Memorandum in opposition to motion re <u>70</u> to strike declaration filed by STEPHEN L. JOHNSON. (Attachment <u>1</u> Text of Proposed Order) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 08/15/2005)
08/15/2005	<u>73</u>	REPLY to opposition to motion re <u>67</u> summary judgment on remedy filed by STEPHEN L. JOHNSON. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 08/15/2005)
08/25/2005	<u>74</u>	REPLY to opposition to motion re <u>70</u> strike filed by SIERRA CLUB. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) (Entered: 08/25/2005)
08/25/2005	<u>75</u>	REPLY to opposition to motion re <u>63</u> Summary Judgment filed by SIERRA CLUB. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) (Entered: 08/25/2005)
09/07/2005	<u>76</u>	NOTICE Of Association Name Change by ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Dunn, Alexandra) (Entered: 09/07/2005)
11/20/2005	<u>77</u>	NOTICE Of Revision of CAA Section 183(e) List by STEPHEN L. JOHNSON re <u>75</u> Reply to opposition to Motion (Attachments: # <u>1</u> Exhibit Federal Register Notice) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 11/20/2005)
11/20/2005	<u>78</u>	NOTICE Of Subsequent Final Rule by STEPHEN L. JOHNSON re <u>75</u> Reply to opposition to Motion (Attachment # <u>1</u> Attachment Pt. 1# <u>2</u> Attachment; Pt. 2# <u>3</u> Attachment; Pt. 3# <u>4</u> Attachment; Pt. 4) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(McDonough, Eileen) (Entered: 11/20/2005)
11/22/2005		Minute Entry for proceedings held before Judge Paul L. Friedman : Motion Hearing held on 11/22/2005 re <u>63</u> MOTION for Summary Judgment filed by SIERRA CLUB,, <u>67</u> Cross MOTION for Summary Judgment on Rem filed by STEPHEN L. JOHNSON, heard and taken under advisement. (Court Reporter Linda L. Russo.) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(bm) (Entered: 11/22/2005)
12/01/2005	<u>79</u>	MOTION for Leave to File Notice of Additional Authority by SIERRA CLUB. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Notice of Additional Authority# <u>3</u> Exhibit One# <u>4</u> Exhibit Two) Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) (Entered: 12/01/2005)
12/05/2005		MINUTE ORDER granting <u>79</u> motion of Sierra Club for leave to file notice of additional authority. Signed by Judge Paul L. Friedman on December 5, 2005. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA) (Entered: 12/05/2005)

03/31/2006	<u>80</u>	ORDER granting in part <u>63</u> plaintiff's motion for summary judgment, denying <u>67</u> defendant's cross-motion for summary judgment, denying <u>70</u> plaintiff's motion to strike the declaration of Steve Page. Signed by Judge Paul L. March 31, 2006. Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(MA) (Entered: 03/31/2006)
04/04/2006	<u>81</u>	MOTION for Extension of Time to <i>Request Costs and Attorneys' Fees</i> by SIERRA CLUB. (Attachments: # <u>1</u> Te Proposed Order # <u>2</u> Certificate of Service)Associated Cases: 1:01-cv-01537-PLF,1:01-cv-01548-PLF,1:01-cv-01558-PLF,1:01-cv-01569-PLF,1:01-cv-01578-PLF,1:01-cv-01582-PLF,1:01-cv-01597-PLF(Pew, James) (Entered: 04/04/2006)
04/07/2006		MINUTE ORDER granting <u>81</u> Sierra Club's motion for extension of time up to and including July 13, 2006 in w to request costs and attorney's fees. Signed by Judge Paul L. Friedman on April 7, 2006. (MA) (Entered: 04/07/2006)
05/26/2006	<u>82</u>	NOTICE OF APPEAL as to <u>80</u> Order on Motion for Summary Judgment, Order on Motion to Strike, by STEPH L. JOHNSON. No Filing Fee. (nmw,) (Entered: 05/30/2006)
07/10/2006	<u>83</u>	Second MOTION for Extension of Time to <i>Request Costs & Attorneys' Fees</i> by SIERRA CLUB. (Attachments: # Certificate of Service)(Pew, James) (Entered: 07/10/2006)
07/11/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>82</u> Notice of Appeal (jf,) (Entere 07/11/2006)
07/11/2006		MINUTE ORDER granting <u>83</u> Sierra Club's second motion for extension of time up to and including October 11 2006 in which to request costs and attorneys' fees. Signed by Judge Paul L. Friedman on July 11, 2006. (MA) (Entered: 07/11/2006)
08/02/2006	<u>84</u>	OPINION denying defendant's motion for summary judgment and granting plaintiff's motion for summary judgment Signed by Judge Paul L. Friedman on August 2, 2006. (MA) (Entered: 08/02/2006)
08/07/2006		USCA Case Number 06-5224 for <u>82</u> Notice of Appeal filed by STEPHEN L. JOHNSON,. (jf,) (Entered: 08/08/2006)
08/25/2006	<u>85</u>	MOTION to Amend/Correct <u>45</u> Miscellaneous Document,,,,,,,,,,,,,,,,,,,,, <i>Consent Decree</i> by STEPHEN L. JOHNS (Attachments: # <u>1</u> Memorandum of Law# <u>2</u> Affidavit # <u>3</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 08/25/2006)
08/25/2006	<u>86</u>	Joint MOTION to Expedite <i>Consideration of EPA's Motion to Modify Consent Decree and Establish Briefing Schedule</i> by STEPHEN L. JOHNSON. (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 08/25/2006)
08/28/2006		MINUTE ORDER granting <u>86</u> Joint Motion for Expedited Consideration of EPA's Motion to Modify the Consen Decree. EPA's deadline is stayed until December 1, 2006, unless the Court decides the Agency's Motion to Mod the Consent Decree prior to that date. Sierra Club shall file its opposition to EPA's Motion no later than Septemb 22, 2006. EPA shall file its reply no later than September 28, 2006. Signed by Judge Paul L. Friedman on 8/28/06 (lcplf1) (Entered: 08/28/2006)
08/28/2006		Set Deadlines: Responses due by 9/22/2006; Replies due by 9/28/2006. (mm) (Entered: 08/31/2006)
09/22/2006	<u>87</u>	Third MOTION for Extension of Time to <i>Request Costs And Attorneys Fees</i> by SIERRA CLUB. (Pew, James) (Entered: 09/22/2006)
09/22/2006	<u>88</u>	RESPONSE to <i>EPA Motion To Modify The Consent Decree</i> filed by SIERRA CLUB. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit Ex. 2# <u>3</u> Exhibit Ex. 3# <u>4</u> Certificate of Service)(Pew, James) (Entered: 09/22/2006)
09/22/2006	<u>89</u>	ORDER of USCA (certified copy) as to <u>82</u> Notice of Appeal filed by STEPHEN L. JOHNSON,; It is hereby ord that the motion to dismiss appeal be granted and this case is hereby dismissed; USCA#06-5224 (jsc) (Entered: 09/25/2006)
09/25/2006		MINUTE ORDER granting <u>87</u> Sierra Club's third motion for extension of time up to and including January 9, 20 to file a request for costs and attorney fees. Signed by Judge Paul L. Friedman on September 25, 2006. (MA) (Entered: 09/25/2006)
09/25/2006		Set Deadlines: Sierra Club's Motion for Costs and Attorneys's Fees due by 1/9/2007. (mm) (Entered: 09/25/2006)
09/28/2006	<u>90</u>	REPLY to opposition to motion re <u>85</u> MOTION to Amend/Correct <u>45</u> Miscellaneous Document <i>Consent Decree</i> filed by STEPHEN L. JOHNSON. (McDonough, Eileen). (Entered: 09/28/2006)
10/17/2006	<u>91</u>	ORDER granting <u>85</u> Defendant's Motion to Modify Consent Decree. Paragraph 2(f)(ii) of the Consent Decree, w provides: (ii) For Gasoline Distribution Facilities (Stage I), the Administrator shall propose a rule on or before

		October 31, 2006, and promulgate a final rule by December 20, 2007, is hereby deleted from the Decree. Signed Judge Paul L. Friedman on 10/17/2006. (mm) (Entered: 10/17/2006)
12/08/2006	<u>92</u>	MOTION for Extension of Time to <i>Request Costs & Attorneys' Fees</i> by SIERRA CLUB. (Pew, James) (Entered: 12/08/2006)
12/11/2006		MINUTE ORDER granting <u>92</u> Sierra Club's fourth motion for extension of time up to and including April 9, 200 which to request costs and attorney's fees. Signed by Judge Paul L. Friedman on December 11, 2006. (MA) (Entered: 12/11/2006)
12/11/2006		Set Deadline: Sierra Club's request for costs and attorneys' fees due by 4/9/2007. (mm) (Entered: 12/11/2006)
03/20/2007	<u>93</u>	MOTION for Extension of Time to <i>In Which To Request Costs and Attorney's Fees</i> by SIERRA CLUB (Pew, Jan (Entered: 03/20/2007)
03/22/2007		MINUTE ORDER granting <u>93</u> Sierra Club's motion for extension of time up to and including July 9, 2007 in wh to request costs and attorneys' fees. Signed by Judge Paul L. Friedman on March 22, 2007. (MA) (Entered: 03/22/2007)
03/22/2007		Set/Reset Deadlines: Plaintiff's motion for costs and attorneys' fees due by 7/9/2007. (mm) (Entered: 03/23/2007)
06/22/2007	<u>94</u>	MOTION for Extension of Time to <i>In Which to Request Costs and Attorney's Fees</i> by SIERRA CLUB (Pew, Jan (Entered: 06/22/2007)
06/25/2007		MINUTE ORDER granting <u>94</u> Sierra Club's consent motion for extension of time up to and including September 2007 in which a request for attorneys' fees and costs may be filed. Signed by Judge Paul L. Friedman on June 25, 2007. (MA) (Entered: 06/25/2007)
06/25/2007		Set/Reset Deadlines: Motion for attorneys' fees and costs due by 9/7/2007. (mm) (Entered: 06/26/2007)
08/29/2007	<u>95</u>	MOTION for Extension of Time to <i>Request Costs and Attorneys Fees</i> by SIERRA CLUB (Attachments: # <u>1</u> Certificate of Service)(Pew, James) (Entered: 08/29/2007)
08/30/2007		MINUTE ORDER granting <u>95</u> plaintiff's seventh motion for extension of time up to and including December 6, 2 in which to request costs and attorneys' fees. Signed by Judge Paul L. Friedman on August 30, 2007. (MA) (Entered: 08/30/2007)
08/30/2007		Set/Reset Deadlines: Plaintiff's motion for costs and attorneys' fees due by 12/6/2007. (mm) (Entered: 08/30/2007)
09/13/2007	<u>96</u>	Consent MOTION to Alter Judgment <i>To Partly Extend Deadline of September 30, 2007</i> by STEPHEN L. JOHNS (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 09/13/2007)
09/13/2007	<u>97</u>	Consent MOTION to Expedite <i>Consideration of Motion to AMend Judgment</i> by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 09/13/2007)
09/18/2007		MINUTE ORDER granting <u>97</u> defendant's consent motion for expedited consideration of motion on consent to amend order of March 31, 2007. Defendant shall have up to and including November 15, 2007 to complete an ac currently due on September 30, 2007. Signed by Judge Paul L. Friedman on September 18, 2007. (MA) (Entered: 09/18/2007)
09/18/2007		MINUTE ORDER granting <u>96</u> defendant's consent motion to amend order of March 31, 2006. Defendant shall si final rule pursuant to Section 183(e) of the Clean Air Act, 42 U.S.C. Section 7511b(e), establishing standards for aerosol coatings products no later than November 15, 2007. Defendant shall complete its obligations with respect all other "Group III" product categories pursuant to the order of March 31, 2006 by the current deadline of Septer 30, 2007. Signed by Judge Paul L. Friedman on September 18, 2007. (MA) (Entered: 09/18/2007)
09/18/2007		Set/Reset Deadlines: Defendant shall have up to and including 11/15/2007 to complete an action currently due or 9/30/07. (mm) (Entered: 09/19/2007)
10/12/2007	<u>98</u>	Consent MOTION to Alter Judgment <i>Order of March 31, 2006</i> by STEPHEN L. JOHNSON (Attachments: # <u>1</u> T of Proposed Order)(McDonough, Eileen) (Entered: 10/12/2007)
10/15/2007		MINUTE ORDER granting <u>98</u> defendant's consent motion to amend order of March 31, 2006. Signed by Judge F L. Friedman on October 15, 2007. (MA) (Entered: 10/15/2007)
11/15/2007	<u>99</u>	NOTICE <i>Of Stipulation Modifying Consent Decree</i> by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Stipulation Modifying Consent Decree)(McDonough, Eileen) (Entered: 11/15/2007)
12/21/2007	<u>100</u>	Unopposed MOTION to Amend/Correct <u>80</u> Order on Motion for Summary Judgment,,,, Order on Motion to Stril by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 12/21/2007)

01/08/2008		MINUTE ORDER granting <u>100</u> defendant's unopposed motion to amend order of March 31, 2006 to require EPA complete its obligations under CAA section 112(c)(6), 42 U.S.C. Section 7412(c)(6), by March 31, 2008. Signed Judge Paul L. Friedman on January 8, 2008. (MA) (Entered: 01/08/2008)
01/08/2008		Set/Reset Deadlines: EPA to complete its obligations under CAA section 112(c)(6), 42 U.S.C. Section 7412(c)(6) 3/31/2008. (mm) (Entered: 01/08/2008)
03/26/2008	<u>101</u>	Unopposed MOTION to Amend/Correct <u>80</u> Order on Motion for Summary Judgment,,, Order on Motion to Stril by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 03/26/2008)
04/03/2008		MINUTE ORDER granting <u>101</u> defendant's unopposed motion to amend order of March 31, 2006. Signed by Judge Paul L. Friedman on April 3, 2008. (MA) (Entered: 04/03/2008)
04/03/2008		Set/Reset Deadlines: EPA to complete its obligations under CAA section 112(c)(6), 42 U.S.C. section 7412(c)(6) 5/30/2008. (mm) (Entered: 04/04/2008)
05/29/2008	<u>102</u>	Unopposed MOTION to Alter Judgment as to <u>80</u> Order on Motion for Summary Judgment,,, Order on Motion to Strike, by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 05/29/2008)
05/30/2008		MINUTE ORDER granting <u>102</u> defendant's unopposed motion to amend order of March 31, 2006. Paragraph 3 of order is amended to require EPA to complete its obligations under CAA Section 112(c)(6), 42 U.S.C. Section 7412(c)(6), by July 30, 2008. Signed by Judge Paul L. Friedman on May 30, 2008. (MA) (Entered: 05/30/2008)
05/30/2008		Set/Reset Deadlines: EPA to complete its obligations under CAA Section 112(c)(6), 42 U.S.C. Section 7412(c)(6) 7/30/2008. (mm) (Entered: 06/02/2008)
07/30/2008	<u>103</u>	Consent MOTION to Amend/Correct <u>80</u> Order on Motion for Summary Judgment,,, Order on Motion to Strike, STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 07/30/2008)
07/31/2008		MINUTE ORDER granting <u>103</u> defendant's unopposed motion to amend order of March 31, 2006. Signed by Judge Paul L. Friedman on July 31, 2008. (MA) (Entered: 07/31/2008)
09/17/2008	<u>104</u>	Unopposed MOTION to Amend/Correct <u>80</u> Order on Motion for Summary Judgment,,, Order on Motion to Stril by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 09/17/2008)
09/19/2008	<u>105</u>	ORDER granting <u>104</u> Unopposed Motion to Amend Order of March 31, 2006. Paragraph 3 of the Order is amended to require EPA to complete its obligations under CAA section 112(c)(6), 42 U.S.C. section 7412(c)(6) by November 20, 2008. Signed by Judge Paul L. Friedman on 9/19/2008. (mm) (Entered: 09/22/2008)
09/19/2008		Set/Reset Deadlines: EPA to complete its obligations under CAA section 112(c)(6), 42 U.S.C. section 7412(c)(6) 11/20/2008. (mm) (Entered: 09/22/2008)
11/10/2008	<u>106</u>	Unopposed MOTION to Amend/Correct <u>80</u> Order on Motion for Summary Judgment,,, Order on Motion to Stril by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 11/10/2008)
11/10/2008	<u>107</u>	Unopposed MOTION to Expedite <i>Motion to Amend 2006 Order (Para. 1(e))</i> by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 11/10/2008)
11/10/2008	<u>108</u>	Unopposed MOTION to Amend/Correct <u>80</u> Order on Motion for Summary Judgment,,, Order on Motion to Stril (<i>Amend Para. 1(e)</i>) by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 11/10/2008)
11/13/2008	<u>109</u>	ORDER granting <u>107</u> Unopposed Motion to Expedite EPA's Unopposed Motion to Amend Order of March 31, 2006. The Court will rule expeditiously on EPA's motion. Signed by Judge Paul L. Friedman on 11/12/2008. (mm) (Entered: 11/13/2008)
11/13/2008	<u>110</u>	ORDER granting <u>106</u> Unopposed Motion to Amend Order of March 31, 2006. Paragraph 3 of the Order shall be amended as follows: 3. No later than August 15, 2009, EPA shall promulgate emission standards assuring that source categories accounting for not less than ninety percent of the aggregate emissions of each of the hazardous air pollutants enumerated in Section 112(c)(6) are subject to emission standards under Section 112(d)(2) or (d)(4). The deadline shall be extended until July 15, 2010, if (a) no later than July 15, 2009, the Agency signs notices of proposed rulemaking proposing emission standards for industrial, commercial and institutional boilers and process heaters and for CISWI units, and (b) no later than August 15, 2009, the Agency signs a notice of proposed rulemaking proposing emission standards for gold mining production processes. Signed by Judge Paul L. Friedman on 11/12/2008. (mm) (Entered: 11/13/2008)
11/13/2008	<u>111</u>	ORDER granting <u>108</u> Unopposed Motion to Amend Order of March 31, 2006. Paragraph 1(e) of the Order is amended to require EPA to promulgate standards pursuant to section 112(c)(3) and (k)(3)(B) of the Clean Air Act ("CCA"), 42 U.S.C. Section 7412(c)(3), (k)(3)(B), as follows: (e) EPA shall promulgate standards for one additional source category, Desert Rock Energy Co., LLC v. EPA No. 4:08-cv-872 (S.D. Tex.) Gunter Declaration Exhibit B20, page 13

		area source category by December 15, 2008, and for nine additional area source categories by May 15, 2009. Sig by Judge Paul L. Friedman on 11/12/2008. (mm) (Entered: 11/13/2008)
01/12/2009	<u>112</u>	MOTION to Intervene by STATE OF NEVADA (Attachments: # <u>1</u> Declaration of Michael Elges, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit Notice of Appeal); # <u>4</u> Exhibit 1-7) (jeb,). Modified on 1/14/2009 to add Exhibits 1 which were inadvertently not included when filed by court staff (jeb). (Entered: 01/13/2009)
01/15/2009	<u>113</u>	Unopposed MOTION for Extension of Time to File Response/Reply to the State of Nevada's Motion to Intervene SIERRA CLUB (Pew, James) (Entered: 01/15/2009)
01/16/2009		MINUTE ORDER granting <u>113</u> Sierra Club's unopposed motion for extension of time up to and including February 19, 2009 in which to respond to the State of Nevada's motion to intervene. Signed by Judge Paul L. Friedman on January 16, 2009. (MA) (Entered: 01/16/2009)
01/16/2009		Set/Reset Deadlines: Response to State of Nevada's motion to intervene due by 2/19/2009. (mm) (Entered: 01/16/2009)
01/22/2009	<u>114</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>112</u> MOTION to Intervene by STEPH L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 01/22/2009)
01/27/2009	<u>115</u>	ORDER granting <u>114</u> EPA's Unopposed Motion for Extension of Time to File Response to Motion to Intervene by State of Nevada. The EPA shall file its response on 2/19/2009. Signed by Judge Paul L. Friedman on 1/23/2009. (mm) (Entered: 01/28/2009)
02/19/2009	<u>116</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>112</u> MOTION to Intervene For Both Plaintiff and Defendant by STEPHEN L. JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 02/19/2009)
02/19/2009	<u>117</u>	NOTICE OF SUBSTITUTION OF OFFICIAL DEFENDANT by STEPHEN L. JOHNSON (McDonough, Eileen) (Entered: 02/19/2009)
02/19/2009	<u>118</u>	Memorandum in opposition to re <u>112</u> MOTION to Intervene filed by SIERRA CLUB. (Pew, James) (Entered: 02/19/2009)
02/20/2009		ORDER granting <u>116</u> Motion for extension of time for plaintiff and defendant to respond to motion to intervene by the state of Nevada. The parties shall now file their responses on or before February 24, 2009. Signed by Judge Paul L. Friedman on 02/20/09. (lcplf1). (Entered: 02/20/2009)
02/20/2009		Set/Reset Deadlines: Response to motion to intervene by state of Nevada due by 2/24/2009. (mm) (Entered: 02/23/2009)
02/24/2009	<u>119</u>	Memorandum in opposition to re <u>112</u> MOTION to Intervene by State of Nevada filed by LISA P. JACKSON. (Attachments: # <u>1</u> Text of Proposed Order)(McDonough, Eileen) (Entered: 02/24/2009)